

order that was entered previously for the recognition of Mr. TSONGAS on Thursday be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it

stand in recess until the hour of 9:30 tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR REDUCTION OF LEADERS' TIME TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that the time of the leaders on tomorrow be reduced to not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to, and, at 7:08 p.m., the Senate recessed until tomorrow, Thursday, May 24, 1979, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, May 23, 1979

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*If you forgive others the wrongs they have done to you, your Father in heaven will also forgive you.—Matthew 6: 14.*

We ask, O Father, for the gifts of grace, compassion, and kindness. We plead for the forgiveness of our own sins, our lack of generosity and good will, our pettiness and lack of vision. For all selfish acts we ask for intercession.

O Father, may we not neglect to forgive others who may have wronged us, to reach out in the spirit of love and renewed trust to those about us. May enmity and suspicion be cast aside, and evil replaced with reconciliation, for it is in forgiving that we are forgiven, and given new life and hope.

In the name of our Lord, we pray. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 717. An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, for 1 year;

S. 976. An act to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980;

S. 1140. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes;

S. 1141. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1980;

S. 1146. An act to amend title XIV of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), to extend for 3 fiscal years

the authorization for appropriations, and for other purposes; and

S. 1147. An act to extend certain provisions of the Toxic Substances Control Act for 3 years.

#### AUTHORIZING THE PRESIDENT TO PRESENT ON BEHALF OF THE CONGRESS A GOLD MEDAL TO JOHN WAYNE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 3767) to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to John Wayne, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois.

Mr. EVANS of Delaware. Mr. Speaker, reserving the right to object, would my friend, the gentleman from Illinois (Mr. ANNUNZIO), the chairman of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance and Urban Affairs, explain to our colleagues here something about this medal?

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, as the distinguished gentleman from Delaware (Mr. EVANS), the ranking minority member of the Subcommittee on Consumer Affairs, knows, our subcommittee passed this bill by a 6 to 0 vote. It has passed the full committee.

This Saturday, May 26, an American legend will celebrate his 72d birthday. Today, this Congress has the opportunity, on behalf of the American people, to show its gratitude to this man for contributions to this Nation. John Wayne has properly been described as the "last of Hollywood old time superheroes," but this simple label cannot do justice to him, or the positive influence he has had on millions of moviegoers.

The star of hundreds of westerns, adventures, and even comedies, John

Wayne continues in a career which has already spanned four decades of filmmaking. Few performers have achieved greater prominence, and none have retained their popularity as long as Duke. Longevity and acting ability, of course, are not reason alone for the awarding of a congressional gold medal. John Wayne deserves special recognition not simply because he has provided, and will continue to provide, generations of movie watchers with fine entertainment. By presenting the Duke with a gold medal, we are acknowledging that he has significantly contributed to the growth of the American spirit, and helped this Nation to recover from periodic setbacks, as he has done in his own life. On and off the screen, John Wayne has left an indelible record of American life which all of us can enjoy and learn from.

Two days ago, the Subcommittee on Consumer Affairs, which I chair, held hearings on the bill to honor John Wayne with a specially struck gold medal. This morning, the bill was unanimously reported out of the full Banking Committee. During the hearings, we heard eloquent testimony from friends and colleagues of Duke, including Maureen O'Hara Blair and Elizabeth Taylor Warner.

Tributes poured in from across the country endorsing the bill, and letters of support were sent by President Carter and former President Ford. While many fine words of praise were spoken in that hearing room, Maureen O'Hara Blair best described Duke in one word—American. It is therefore fitting that included in the bill is a requirement that the medal contain these words: John Wayne, American.

Each of us in this Chamber has been selected to represent his constituents, but none of us can claim that we represent America. John Wayne can. From stuntman to folk hero, he has taken the path which gives us a model of what individuals can achieve in this country. John Wayne has already received an Oscar from his supporters in Hollywood, and now it is time for his fans and supporters in the Congress to give him the Congressional Oscar.

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. EVANS of Delaware. Mr. Speaker, I certainly join wholeheartedly in this bipartisan legislation to honor one of our greatest Americans and I might add one of our greatest Republicans.

I can recall as a young man in Seaford, Del., paying 11 cents to see John Wayne at the movies. That was when 11 cents really meant something and I certainly got my money's worth.

John Wayne is not only a great actor, but he is a man who stands for some of the fundamental values that made America what it is today. He is a citizen not only of this country, well known throughout the United States, but he is known and respected throughout the world. Those values that he stands for are very important to us today. The spirit with which he lifted America and, I think, lifted the world is something that we are all grateful for.

Mr. Speaker, I think it could be truly said of John Wayne that he is indeed a legend in his own time.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding.

I want to salute the chairman of this subcommittee for the expedition with which he has brought this matter to the attention of the House.

John Wayne's birthday is Saturday, and I think, if we can get this bill through and signed by that time, it will be a tribute to the efficiency of the gentleman from Illinois (Mr. ANNUNZIO).

Mr. EVANS of Delaware. Mr. Speaker, I would like to compliment the chairman of the subcommittee, the gentleman from Illinois (Mr. ANNUNZIO), also for the dazzling display of witnesses that we had before the Subcommittee on Consumer Affairs, including Katherine Nolan, Maureen O'Hara Blair, Elizabeth Taylor Warner, and Gen. Albert C. Wedemeyer. I am sure all of us would have gladly traded places with the general on that panel.

Mr. Speaker, I wholeheartedly support this legislation.

Mr. HYDE. Mr. Speaker, will the gentleman yield for one further comment?

Mr. EVANS of Delaware. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to say that I am delighted that the amendment I offered, which was offered at the request of Maureen O'Hara, that the medal should say, "John Wayne, American," was accepted by the committee.

I look forward to speedy passage of this important legislation.

Mr. Speaker, testimony presented to the Subcommittee of the Banking, Finance and Urban Affairs Committee in support of this legislation was of such high quality that rather than expand on my own reasons for supporting this bill I will share this testimony with my colleagues:

STATEMENT OF THE HONORABLE CONGRESSMAN BARRY GOLDWATER, JR.

Mr. GOLDWATER. Thank you, Mr. Chairman and members of the Committee, I want

to thank you for this opportunity to appear before you today, and also for presenting the opportunity to the Congress and to the nation to honor a truly great man.

This award is highly selective. Only 31 people have received this honor in the twentieth century, and only nine since 1960. It has been given to George Washington, to Major General Andrew Jackson, to the Wright brothers, to Dr. Jonas Salk, Thomas Edison and Charles Lindbergh. A distinguished company, indeed—a list of America's heroes, to which one more name will hopefully be added.

Few people are given the title "the." There's the president, the pope, the queen, and the duke. And Duke Wayne has earned his place in history and a place of special affection in the hearts of all Americans.

He is the most popular film star in history. In a recent poll, he came in second only to Abraham Lincoln as a name and face most readily recognized.

In order to list all his accomplishments and honors, we would have to stay here all afternoon. Suffice it to say that this award will represent a sincere thank you from his government and fellow citizens for a lifetime of loving his country with a fierce loyalty and more than just a little pride in its goodness and despite its faults.

He was once asked what he wanted for his daughter. He replied: "I want her to be as grateful as I am, grateful for every day of my life that I wake up in the United States of America. I don't care if she ever memorizes the Gettysburg Address, but I hope she understands it."

Mr. Chairman, I would like to read excerpts from a few of the many expressions of support that have been received on behalf of this effort. I think these statements say it better and more eloquently than I ever could.

From Frank Sinatra, and I quote: "I believe the distinguished descendants of the brave men who bore witness to our country's fight for survival during the difficult winter at Valley Forge will reflect honor on the nation as well as themselves by paying tribute now to John Wayne's fight for his survival during this difficult spring in another valley."

"No man's lifetime of work has better expressed the land of the free and the home of the brave. No man's lifetime or work has given more proof to the world that our flag is still there. John Wayne is in truth a star-spangled man whom so proudly we hail."

From Mike Frankovich, director, quote: "By giving him the highest honor his country can bestow on a private citizen, the gold medal of honor, we are publicly saying: 'Duke, your love for your country is only exceeded by your country's love for you.'"

From Robert Aldrich, president, Directors Guild of America, quote:

"It is important for you to know that I am a registered Democrat and, to my knowledge, share none of the political views espoused by Duke. However, whether he is ill-disposed or healthy, John Wayne is far beyond the normal political sharp-shooting in this community. Because of his courage, his dignity, his integrity, and because of his talents as an actor, his strength as a leader, his warmth as a human being throughout his illustrious career, he is entitled to a unique spot in our hearts and minds."

"In this industry, we often judge people, sometimes unfairly, by asking whether they have paid their dues. John Wayne has paid his dues over and over, and I'm proud to consider him a friend, and am very much in favor of my Government recognizing in some important fashion the contribution that Mr. Wayne has made."

From Katherine Hepburn, quote: "I understand that the United States Congress and our President are giving John Wayne a gold medal. Asked to comment, I

can only say, with a heart full of love for all concerned: About time."

From General and Mrs. Omar Bradley, quote:

"In his heroic struggle, John Wayne represents the fighting spirit that has forged America, even now in his offering his very life to pave new roads to vanquish an old enemy. His medal should be made of the same stuff his heart is—solid gold."

From former President Gerald R. Ford: "His untiring efforts to improve conditions within our country and relations with other countries have made him a legend in his own time. Striking a gold medal in his honor is a well-deserved and appropriate tribute. I urge the House to concur with the Senate and pass the special bill to authorize this medal."

From Mr. Robert F. Six, president and chairman of the board of Continental Airlines, quote:

"John Wayne is a symbol of what is best in this country. Our great nation has a heritage of uncompromising honesty and unyielding determination and unending courage, that are also the hallmarks of this uncommon man."

From Robert Stack, actor, quote:

"I just came back from three months in Europe, where everyone shows concern about Mr. Wayne's health. There has never been a member of our profession who has so impressed the world with his courage or his stature as a man. He has never appeared in a motion picture that would project a negative image of his beloved country. What you see is what you get, and what you get is a very special citizen who does our country credit."

And finally, from Gregory Peck, actor, quote:

"John Wayne is loved the world over as a man who represents independence, the love of freedom and the hearty strength of character which made our country great. For audiences at home, John Wayne, through his films, remains an authentic folk hero. In this era of shifting moral values and cynicism, he has made a contribution of inestimable value to American culture and is deserving of this tribute from the American people."

So it goes, Mr. Chairman. The testimony of those who know John Wayne best confirm the truth of the image. And I would ask the Committee's permission to have printed in the hearing record the statements and tributes received from his friends and co-workers.

In closing, I would like to again thank the Committee for its consideration of this bill, which, by the way, has been co-sponsored by over one-fourth the membership of the House, and urge that it be adopted.

Thank you, Mr. Chairman.

STATEMENT OF MRS. MAUREEN O'HARA BLAIR

Mrs. BLAIR. Thank you very much, Mr. Chairman and members of the Committee.

I don't have a prepared statement.

I came yesterday from the Virgin Islands to be here today, and it is my great honor to be here. I had a difficult time getting here because the flight was cancelled into Washington and I had to come through New York.

Yesterday in the Virgin Islands we had a golf tournament in honor of my late husband, General Charles F. Blair. So I could not start until very late.

I am happy, thrilled, delighted and very proud to be here. In my lifetime, I have been very privileged to have known and to have met, perhaps with my connections with the motion picture industry, many great and famous men all over the world, starting with my beloved father and then my husband, Charlie Blair, and John Wayne. I think they are perhaps the three greatest men I have ever been privileged to know.

I have known John Wayne for 39 years, and in those 39 years I have called him my dearest friend, my best friend. I cannot tell you the kind of man he is.



You have listened this morning to very many eloquent speeches about Duke. But it is the man that you really don't know about. I can speak to you here as an immigrant to the United States, because I am. I can speak for the people of the world outside of the United States. And, since I am now an American citizen, I can speak for the people of the United States. I hope they will grant me the permission to do that. I think they will.

To the people of the world, John Wayne is not just an actor and a very fine actor. John Wayne is the United States of America. He is what they believe it to be. He is what they hope it will be. And he is what they hope it will always be.

It is every person's dream that the United States will be like John Wayne and always like him.

To the immigrant, the person who is going to migrate to the United States, to this wonderful land where we all believe that the streets are paved with gold, every immigrant believes and hopes that perhaps life will be as John Wayne says it will be in the United States, perhaps, for them, and if not for them, for one of their children, their sons or maybe one of their daughters will marry a man like John Wayne. And so, that is their dream of America.

And then for people like me, who are fortunate enough to have become an American citizen and to have met and known this man, he is, believe me, the United States of America. He is a man that has a code of beliefs that he sticks with. He believes in individual responsibility and honor. He is cursed with one failing, his loyalty to his friends. And it has cost him many sad moments and many happy moments. But he would never cease to be loyal ever.

Patriotism and love for his country is something—he doesn't demand that everybody love the United States. He only demands of a man that he loves his own country. And I think Duke lives by a phrase or a poem that we learned in school in Ireland and we applied it to my country that I was born in, too. We always said: "Breathes there a man with soul so dead who never to himself had said that, this is my own, my native land." And Duke lives by that, believe me.

He believes also in the adherence to the American dream. The American dream to people like me who are immigrants is enterprise, hard work, and then reward. And I think that that dream still exists in the United States, where there is enterprise, hard work and reward. And he believes in that, too.

I am afraid I could talk to you about Duke all day, all through the night and on into tomorrow without stopping.

You have heard so much about what a wonderful man he is. But I wonder if you wonder, what kind of man is he, what is he like, what is he like at home, what is he like when he's not in front of the public, what is he like when he's not on the screen, what is he like when he's with his family and his children and the people he loves.

He is just the same. He doesn't change. That is the wonderful thing about Duke: You can depend on him.

I have never been in trouble or needed help at any time in my life that I didn't first pick up the phone and call Duke, and within five minutes I had what I wanted or what I requested or what I needed. And he never asked for thank you. He wouldn't think of that.

He lives his own life by strict rules and strict regulations. And he adheres to those things, those rules. He expects you, his friends, and you, his countrymen, to live by the same rules and to obey those rules. But then he has a very soft heart, and if you do make a mistake he will bend those rules, not for himself, but to forgive you. And that is friendship and love.

He has a marvelous family. He has won-

derful children. He has seven children and I think he has 21 grandchildren as of the last count. Of course, any minute it could change, but I believe it is 21. And he loves every one of them and they adore him. They hang out on him. There's one on his arm, one on his shoulder, one hanging around his leg, and he loves them all and he loves his children.

And each one of them reflect in their families the love that they have learned from his knee—or from sitting on his knee, I should say.

There are many stories I could tell you about Duke, about right after the inauguration of President Carter in 1977, he sent me a postcard, and I have it, and the postcard said, quote: "In the twilight of our lives, when the hell are you going to invite me to the Virgin Islands." (Laughter.)

And so he came directly from the inauguration down to the Virgin Islands with Ms. Pat Stacy, a wonderful, wonderful lady, and stayed with Charlie Blair and me in the Virgin Islands. And every night—he loves to play chess, and he would play chess with Charlie Blair, and then they would go flying, and then you would get to talk to him. And he would say, what do you want, what do you want for dinner. Steak. You say, what do you want for lunch. Steak. The next day, what would you like for dinner. Steak.

You get fed up cooking steak, but that is what he loved.

And one day he went down into the supermarket in the town of Christiansted, because he decided he should go shopping and buy some food for the house. And he started. He was neat. He looked absolutely gorgeous. And so he started filling his market basket with all the steaks that he could find.

And a wonderful old black lady came up to him and she tapped him on the shoulder, and she said: "Mr. Wayne, if you are buying that meat for Mrs. Blair, you had better put it back and let me show you the meat you are to buy."

So she took him over and he bought all the correct meat. And he absolutely loved it. He just loved the fact that people are so good and so kind.

And then one day he was driving a big red truck which we borrowed for him, because he won't fit in an automobile, you know. He has to drive a truck. And he was driving down to Christiansted, and he was going slowly because he was looking on both sides of the street and ogling everything he could see. And suddenly there's a big truck behind him and they blow the horn—beep, beep, beep, beep—and told him, get out of the way.

And they pull up beside him and say, why. And he says, yeah. And that was the end of it. They didn't challenge Duke any more.

But maybe I had better stop, because to talk about Duke—I talk from my heart. I could go on forever and ever.

I don't know if there are any things you would like to know about Duke. If there are any things you would like to know, I would be very happy to answer any question you have.

I beg you to strike the medal for Duke, to order the President to strike it. And I feel that the medal should say just one thing: "John Wayne, American."

#### STATEMENT OF MRS. ELIZABETH TAYLOR WARNER

Mrs. WARNER. Thank you, Mr. Chairman and members of the Committee.

I feel honored and privileged to be here today to make a few remarks about a friend of mine—a friend, I believe, of all of ours, no matter what our politics.

He is emblematically American, and he has made that image good. He is a hero, and there are so few left. He has given much to America and he has given to the whole world what an American is supposed to be like—fighting the wild West or settling the wild West, being tough as an old nut or soft as a yellow ribbon.

He must be the biggest non-stop star in the world. But to him there is no big star or little star. He is an actor.

He is—and I believe that all my cohorts will agree—the greatest pro of them all. Ever since 1928, when he made his film debut, he has been helping all of us through observing his 175 performances and his manner on the set, his generosity and his kindness to all of us, no matter what our position.

You, Mr. Chairman, and other members of Congress must have felt the courage of John Wayne—not only how he portrayed it on the screen, reenacting for our kids to see the horrors of war, but also showing to all the generations of our era that patriotism was not corny but brave.

When it had to be done, it was done. Kids today, and myself, talk about cool. Well, Big John is one cool cat. He is a giant, and he will be with us always.

Please, Mr. Chairman, let us, all of us, show him our appreciation and love by awarding him the national gold medal.

Thank you.

#### STATEMENT OF MS. KATHLEEN NOLAN, PRESIDENT, SCREEN ACTORS GUILD

Ms. NOLAN. Thank you very much, Mr. Chairman and members of the Committee.

Mr. Wayne would certainly be in the company that he belongs in, gentlemen. The recognition of the role of the arts and artists and men and women of letters of his country has not gone unnoticed in the past by Congress in past recipients of the gold medal: George M. Cohen, Irving Berlin, Robert Frost, Bob Hope, Walt Disney, Marian Anderson. I think that Mr. Wayne belongs in that company.

As the Screen Actors Guild president, of course, I am very proud of all the leaders in our profession. I am also very proud of the role that actors and writers and other members of the creative community contribute to the American way of life, the everyday life of our nation.

I am proud to sit here this morning, as the president of the Screen Writers Guild, and speak about one of our most honored and honorable members, John Wayne. Of course, from the point of view of just the acting profession alone, there are many reasons why he should be receiving this gold medal that is being proposed by bill H.R. 3767.

He spent more than 50 years in the motion picture industry, and he has made well over 150 films. He is a true movie star and of course loved and admired by people all over the world. You know, John Wayne said that he wanted to be remembered by a Spanish phrase. The rough translation of that is: "He was ugly, he was strong, and he had dignity."

Well, I don't think there are many of us that would think of John Wayne as ugly. But most of us have been affected by his strength and by his dignity in fighting the on-screen battles and the dignity that he has brought to his own life.

To bestow an honor such as this on John Wayne is truly an act that transcends personal politics. I'm sure there are some issues on which we might disagree, but what brings us together is our mutual commitment to the spirit that he represents. He represents the American spirit.

And I suppose, too, what draws us, all of us, to him is his love for the magic and the mystery of our profession.

To honor John Wayne, I think, would be to honor all artists, and to recognize the enormous contribution that is made in our society by artists. He represents all that an artist can achieve in this country: the ability to be a part of the heritage, to help us know our history and our culture, to shape our national mythology and our definition of what a hero is.

One of the terms most often used, I guess, about John Wayne is that he portrayed the loner. He often played the quiet man who

concealed his background and his true feelings, the man who didn't quite fit with the rest of the lives of those around him. I was thinking about some of the films in which he has played, and there is a beautiful scene at the end of a film that he made in 1956 called "The Searchers," directed by the legendary John Ford, who was, of course, responsible for shaping much of John Wayne's character.

And in this scene he finally succeeded in rescuing his niece, who had been captured by Comanches many years before. And he brings her back to the people who will now be her family. And one by one, each of the family members enters a cool, shady house, leaving the John Wayne character standing alone outside in the blazing sun.

And I can just see him now as he turns away and closes the door, and we leave him, once again the outsider, a man apart, and a lonely hero.

And that's not really the way we think of John Wayne, as a man somewhat apart from us, someone removed from our lives. It is not really the message that we want to convey to him now. And I believe, on behalf of all of the actors and members of the Screen Actors Guild, to bestow this honor on John Wayne is in a way, our last opening the door to this lonely hero, and finally, a way of saying, well, we love you.

Thank you.

STATEMENT OF GEN. ALBERT CODEY WEDEMAYER, U.S. ARMY, RETIRED

General WEDEMAYER. Thank you, Mr. Chairman, gentlemen of the Committee.

I welcome this opportunity to say a few words about my good friend John Wayne. Few Americans, I suppose, are unfamiliar with Wayne and his public image. We have watched him on the screen for almost half a century, from the time of the early silent films through the great days of Hollywood into the age of modern television.

He always has been a fighter. He usually has struggled against odds, often great odds. In films, he has pitted himself, usually with a few comrades, against the forces of evil, the nation's enemies and the calamities of nature. More often than not in those struggles, the good guys have won: law and order restored to the range, the tyrant is overthrown and the scoundrel undone.

An American of a very appealing type—calm, kind, ruggedly handsome, uncomplicated, plain-spoken, freedom-loving, straight-shooting; wins the girl and rides off into the setting sun.

We all know, as we watched and enjoyed these adventures, that we are dealing in a sense with myths. Contrary to much current opinion, however myths are not necessarily false. They are, in fact, the things by which we live.

John Wayne, or Duke, as he is affectionately known to his friends, has, I believe, helped to create and preserve a very useful myth. He has exemplified traits Americans admire, traits they like to think of themselves as possessing. He has epitomized many of our most cherished virtues. He has affirmed for us, in an age of cynicism, some of the things of which we still can be proud and in which we still believe.

There are some who criticize Wayne's movies for their violence. I would point out in response that the Duke's battles have never involved senseless, pointless or mean-spirited violence of the type that saturates today's entertainment media. All his quarrels are undertaken for moral purposes and are fought hard but fair.

Justice Oliver Wendell Holmes always insisted that struggle is an inevitable part of a fully-lived life. The Duke's films, I suggest, reflect this traditional view of life and living.

I have known Wayne since the days of World War II, when we met through our mutual good friend, the great movie direc-

tor John Ford. Let me testify, on the basis of this long friendship, that John Wayne in his private life is in many ways the figure of the myth.

He is decent, straightforward, loyal to friend and principle, the very soul of honor. On the other hand, there are ways in which the man and the myth seem to me to diverge. The Duke is by no means the simplistic man of action—cowboy, soldier, or whatever the films depict—but a well-educated and thoughtful citizen.

He did very well in his studies at the University of Southern California. He has been and remains vitally interested and concerned with the great public issues of this day. Although he and I do not always agree on particular issues, I invariably have found his views to be unselfishly motivated and well thought out.

Let me therefore, gentlemen, wholeheartedly endorse the proposal officially to recognize John Wayne. He is a dedicated patriot who has made such great contribution to our national life. In honoring him, we will be affirming our attachment to some of our nation's most cherished values.

Thank you very much.

● Mr. GOLDWATER. Mr. Speaker, I want to thank Chairman ANNUNZIO of the Subcommittee on Consumer Affairs, and Chairman REUSS of the Committee on Banking, Finance and Urban Affairs for their quick action on H.R. 3767, to authorize the President to present on behalf of the Congress, a specially struck gold medal to John Wayne.

This highly selective award dates back to the early history of our great country. It has been given to George Washington, the Wright Brothers, Charles Lindbergh, Bob Hope, and Marian Anderson. A mighty impressive list of the very best of America, to which we proudly add John Wayne.

For John Wayne the American dream has come true. While he was not born in a log cabin nor grew up to become President, he did become the most popular film star in history, with a recent poll showing him second only to Abraham Lincoln as a name and face most readily recognized.

To list all of his accomplishments and honors would be impossible, but in 1971, the Marine Corps League named him "the man who best exemplifies the word 'American.'"

John Wayne is above all a patriot. He was once asked what he wanted for his daughter. He replied:

I want her to be as grateful as I am. Grateful for every day of my life that I wake up in the United States of America. I don't care if she ever memorizes the Gettysburg Address, but I hope she understands it.

Mr. Speaker, I ask permission that all the tributes received from those who know him best be included and printed in the RECORD.

I am proud to be a part of this effort here today to honor this exceptional man who has given so much to America and the American way of life.

John Wayne's birthday is Saturday. How fitting it would be if the President signed this bill into law on his day.

STATEMENT BY GREGORY PECK, ACTOR

I am pleased to lend my support to the movement for a special Congressional award for John Wayne, an honorable man who has exemplified traditional American virtues in films for 50 years. For audiences abroad, our films are a window opening on the American

way of life. John Wayne is loved the world over as a man who represents independence, the love of freedom and the hardy strength of character which made our country great. For audiences at home, John Wayne through his films remains an authentic folk hero. In this era of shifting moral values and cynicism, he has made a contribution of inestimable value to American culture and is deserving of this tribute from the American people.

STATEMENT BY PETER BOGDANOVICH, DIRECTOR

If anyone has made his mark in the movies, it is John Wayne. After 45 years, he is no longer just an actor or even just a movie star; he has become an American Icon, a symbol around the world, I doubt we shall ever see his like again.

STATEMENT BY MIKE FRANKOVICH, DIRECTOR

DEAR CONGRESSMAN GOLDWATER: I am including in this mailgram a brief statement about my feelings regarding the presentation of the gold medal of honor to John Wayne. I feel honored and privileged to have been asked to express my feelings on learning that "The Duke" will be receiving the gold medal of honor.

Today, America officially acknowledges what millions of its citizens have known for so long and what I have known personally for the many years that John Wayne and I have been friends and co-workers. He is an actor of consummate professionalism, who has earned the respect, admiration and devotion of motion picture audiences all over the world. He is a patriot who's honesty and straight forwardness has never left any doubt as to his deep feelings for the United States of America and the men and women who built it. By giving him the highest honor his country can bestow on a private citizen—the gold medal of honor—we are publicly saying, "Duke, your love for your country is only exceeded by your country's love for you."

STATEMENT BY JAMES ARNESS, ACTOR

DEAR BARRY: I can't think of a man more deserving of recognition than John Wayne. I am especially proud of my quarter-century friendship and association with him. And my admiration and respect has grown through those years. He has great stature as a man, as an actor and as an American, and is well-deserving of the special honor you have proposed for him. With all good wishes for success with this legislation.

STATEMENT BY KIRK DOUGLAS, ACTOR

I strongly believe that John Wayne should receive the Congressional Medal of Honor. He is an authentic chunk of Americana. His personal and artistic life represent the best qualities of America admired by people around the world. He has always been a strong force for the American way of life. He has personified that force privately and artistically for many, many years. The world would applaud the action of bestowing this medal on a great American.

STATEMENT BY ARTHUR B. KRIM, CHAIRMAN, ORIAN PICTURES

I have been very fortunate over the years to have known John Wayne as a friend, as well as a partner, in many motion picture ventures.

His integrity and talent have made all of us in the motion picture industry proud to be part of an industry in which he has been an undisputed leader.

Motion pictures have played a great role in educating the rest of the world to the freedom and diversity and strength of our country. And no one man has contributed more to showing our country in its best light than has John Wayne.

His heart is as big as he is, and that is saying a lot. I do not know of anybody with whom he has been associated, who does not have the deepest affection for him. No one is more deserving of the honor which the Congress is bestowing on him today.



## STATEMENT BY JAMES STEWART, ACTOR

In regard to your Bill which authorizes the President to present on behalf of the Congress an especially struck gold medal to honor John Wayne, I sincerely believe that John Wayne is completely deserving of such an honor.

I have known him for many years and I have found him to be a man of great strength and vitality and honesty. His love of country is something very special.

Because he has been able to put these personal qualities into the characters he has played on film, he has done a tremendous service to his fellow Americans and to the world.

## STATEMENT BY RONALD REAGAN

I am pleased to have this opportunity to urge the passage of H.R. 3767, which would authorize the President of the United States to present on behalf of the Congress a specially-struck gold medal honoring my good friend John Wayne.

"Duke" Wayne has received many honors, tributes, and accolades, and all of them have been richly deserved. I can simply say that there is no one in America I can think of more deserving of the special honor you are now considering than John Wayne.

There is no one who exemplifies the devotion to our country, its goodness, its industry and its strengths better than John Wayne.

Duke Wayne's service to our country, not only in his chosen profession, but as a public servant in the truest sense of the term, certainly qualifies him for this honor. It will be a tribute not only to John Wayne, the man, but also to those high standards and ideals to which he is dedicated.

I urge the favorable consideration of H.R. 3767.

## STATEMENT BY NATALIE WOOD

DEAR CONGRESSMAN GOLDWATER: As a friend of John Wayne, I sincerely hope he is honored because of his contribution to the United States as an outstanding citizen, and his example of extreme courage and bravery. He is an example to all of us.

## STATEMENT BY ROBERT WAGNER

DEAR CONGRESSMAN GOLDWATER: As a long-time friend of John Wayne, I support any efforts to make a special award to him. His contribution to the film world and society as a whole makes one proud to know him.

## STATEMENT BY ANNA LEE, ACTRESS

DEAR BARRY GOLDWATER: I heartily agree with your plan to present John Wayne with a medal. To me, he has always represented the very finest things in American heritage—truth, honor, integrity and unflinching courage. I am proud to have worked with him over the past 20 years and I love the man.

## STATEMENT BY PRESIDENT GERALD R. FORD

John Wayne's contribution to this nation has reached far beyond the entertainment industry where he is deeply respected and admired. His untiring efforts to improve conditions within our country and relations with other countries have made him a legend in his own life time. Striking a gold medal in his honor is a well-deserved and appropriate tribute. I urge the House to concur with the Senate and pass the special bill to authorize this medal.

## ROBERT F. THOMPSON, BUSINESSMAN

I strongly support the gold coin of John Wayne. He has been a great asset to his profession and country.

## STATEMENT BY JACK LEMMON, ACTOR

I am pleased and honored to add my personal, strong support to the bill you proposed to authorize President Carter to present, on behalf of the Congress of the United States, a specially struck gold medal to John Wayne. In my opinion, the Duke richly deserves this recognition and I am proud to lend my name in support of it.

## STATEMENT BY LLOYD NOLAN, ACTOR

Please add my name to the very worthy bill you are introducing to honor John Wayne as an outstanding American. I know of no other person in both his personal and professional career who has done as much to uphold the tradition of the individual spirit of Americanism.

## STATEMENT BY FRANK SINATRA, ACTOR AND ENTERTAINER

DEAR CONGRESSMAN GOLDWATER: I regret I am unable to appear before you and the Members of the House Banking Committee on Monday, May 21, 1979 for the purpose of urging immediate and favorable action regarding the passing of a bill to honor the distinguished motion picture actor, John Wayne.

Please consider this letter as my strongest endorsement.

I believe it is altogether fitting and proper that the Congress do this in the week of Mr. Wayne's 72nd birthday, which falls on Saturday, May 26, 1979.

For over half a century, Mr. Wayne has served honorably as America's symbol to the world of the highest morals and prudent standards of our society.

For a quarter of the very lifetime of the Republic, he has carried the torch of American decency to other peoples in other lands through his motion pictures.

Even today Mr. Wayne continues to express the worthiest characteristics of the American way of life to the far corners of the earth in memorable motion pictures continuously being exported and shown and reshown to untold millions all over the world.

Truly he remains to be the ambassador of America's goodwill and sense of fair play.

I believe the distinguished descendants of the brave men who bore witness to our country's fight for survival during the difficult winter at Valley Forge will reflect honor on the nation as well as themselves by paying tribute now to John Wayne's fight for his survival during this difficult spring in another valley.

No man's lifetime of work has better expressed the land of the free and the home of the brave. No man's lifetime or work has given more proof to the world that our flag is still there. John Wayne is in truth a star-spangled man who so proudly we hail.

I commend you, Mr. Congressman, all Members of the Banking Committee, as well as all Members of the House of Representatives, for your action in this matter, and wish you God's speed in your deliberation.

## STATEMENT BY DR. JULES STEIN, CHAIRMAN OF THE BOARD, EMERITUS, MUSIC CORPORATION OF AMERICA

The close friends and associates of John Wayne urge your active and enthusiastic support of the bill now before the House Banking and Currency Committee which will authorize the issuance of a gold medal to Mr. Wayne in recognition of his outstanding contributions to our country. We can think of no other American who is more deserving of this honor. We thank you for your support of this measure.

## STATEMENT BY KATHERINE HEPBURN, ACTRESS

I understand that the United States Congress and our President are giving John Wayne a gold medal. Asked to comment, I can only say with a heart full of love for all concerned: About Time.

## STATEMENT BY GLENN FORD, ACTOR

I wholeheartedly applaud your proposal to salute my close personal friend, John Wayne, with a special medal honoring not only his many contributions to the film industry but his lifelong devotion to his country.

## STATEMENT BY GENERAL OF THE ARMY AND MRS. OMAR BRADLEY

In his heroic struggle John Wayne represents the fighting spirit that has forged

America. Even now is offering his very life to pave new roads to vanquish an old enemy. His medal should be made of the same stuff his heart is—solid gold.

## STATEMENT BY ROBERT ALDRICH, PRESIDENT, DIRECTORS GUILD OF AMERICA, INC.

DEAR CONGRESSMAN GOLDWATER: My son Bill spoke to me yesterday about your call concerning the propriety and wisdom of our country striking a medal to make a comment on the very special contribution made to the enrichment of our lives by the actor, John Wayne.

I don't know who authored this particular idea, but it is a brilliant one. I personally (as well as this Guild) support your efforts a thousand-fold, and will do whatever it is you suggest to see that this can happen. It is important for you to know I am a registered Democrat and, to my knowledge, share none of the political views espoused by Duke. However, whether he is ill-disposed or healthy, John Wayne is far beyond the normal political sharp-shooting in this community. Because of his courage, his dignity, his integrity, and because of his talents as an actor, his strength as a leader, his warmth as a human being throughout his illustrious career, he is entitled to a unique spot in our hearts and minds.

In this industry, we often judge people . . . sometimes unfairly . . . by asking whether they have "paid their dues." John Wayne has paid his dues over and over, and I'm proud to consider him a friend, and am very much in favor of my government recognizing in some important fashion the contribution that Mr. Wayne has made.

## STATEMENT BY RANDOLPH SCOTT, ACTOR AND BUSINESSMAN

It has been my privilege to know John Wayne for a considerable number of years as a man, actor and citizen. He captured me as a fan in all three of these categories. John Wayne has been honored time and again not only for his fine professional achievements, but as a good American, and an outstanding citizen. His aggressive fight in combating his past and current illness is a source of admiration and should serve as a beacon light of hope for many the world over.

I salute you, John, and wish you well.

## STATEMENT BY OSCAR L. OLSON, PRESIDENT, OLSONITE CORPORATION

What has impressed me most as a friend of John Wayne for more than 40 years has been his unchanging personality as he grew in stature from an actor, then a star, and finally a superstar. He has remained the same Duke Wayne I knew from the beginning—unselfish, generous, open-handed, open hearted and steadfast to the same ideals.

Anyone who knows Duke well, and has not trespassed on his friendship, knows that once a friend, this engaging gentleman is always a friend.

Indeed, loyalty is more than a special word with him. It is a daily practice that has endeared him to his family, his personal friends and, of course, to the people of his profession. No matter what the rank or position of a friend, or no matter what lofty heights to which Duke rose in his profession, and in the world's esteem, he never changed. He is the same man today that I met more than 40 years ago.

He has walked and talked with Presidents and with Kings and Queens, but it has never affected his ego in the least, nor has it compromised his devotion and friendship to those below him. And the honors that have been bestowed upon him, the genuine affection showered on him by the public have made him even more conscious of the need to share this applause with his old friends.

That he has endeared himself to hundreds and millions of people around the world through his accomplishments as a hero of the screen is a matter of record. But what is not a matter of record is that long ago, he

became a hero to all of those privileged to know him as a friend. And their love for him, and his for them, has never wavered.

I have been with him on movie sets in Mexico, in his home in California and in my own home in Michigan. We have raised a toast in many cities in both this country and elsewhere, but he is always the same unpretentious, unafraid, informal, regular guy that you see on the screen and in person. No man alive can play himself better than the Duke.

He speaks his mind, but not with rancor. He lives his life with honor and dignity. He loves his country with a passion. He is more than a superstar. He is a SuperMan. And I am proud to call him "friend."

STATEMENT BY PATRICK J. FRAWLEY, JR., BUSINESSMAN AND FRIEND

I heartily endorse the passage of bill, H.R. 3767, to strike a gold coin in recognition of the distinguished career of John Wayne.

STATEMENT BY WILLIAM HOLDEN, ACTOR

DEAR CONGRESSMAN GOLDWATER: Having been close to John Wayne over the last 40 years, I can honestly say I have never known a more loyal American, his love for his country and compassion for his fellow man knows no bounds.

I urge that the utmost consideration be given in respect to recognizing the services, the great spirit, and the contributions that this unique and remarkable American has made.

STATEMENT BY ROBERT F. SIX, PRESIDENT, CONTINENTAL AIRLINES

John Wayne is a symbol of what is best in this country. Our great nation has a heritage of uncompromising honesty, unyielding determination and unending courage. These are also the hallmarks of this uncommon man. It is altogether fitting and proper that we pay tribute to an individual who has conducted himself so well and so bravely in his public and private life that his name has become synonymous with the spirit of America.

STATEMENT BY MR. C. V. WHITNEY, BUSINESSMAN AND FRIEND

I thoroughly approve your recommending to Congress a bill to authorize a medal to honor John Wayne for his distinguished career and service to the nation.

STATEMENT BY JOANNE DRU, ACTRESS

DEAR BARRY: I know from 30 years personal association that John Wayne is a truly loyal American and a fine honorable man. I consider it a privilege to be among those supporting the proposed honor to be bestowed upon him by Members of the Congress in recognition of his distinguished career and his service to our country.

STATEMENT BY CLAIRE TREVOR, ACTRESS

Having known John Wayne for 42 years most personally and professionally, I know that his contribution to this country and its society has been outstanding. He is unique and one in a million. He is a loyal American and has given years of his life to what he thinks is best for all of us. Please add my name to the supporters of the effort to have him honored by Members of the Congress.

STATEMENT BY MRS. JOHN FORD AND FAMILY (THE LATE JOHN FORD, DIRECTOR)

DEAR BARRY: Thank you for honoring our dear Duke in this manner. He is more than deserving because he is a great American, a great actor, and a great friend. We are proud that he is a member of our family for more than 50 years.

We congratulate him and we love him.

STATEMENT BY DOROTHY MANNERS, COLUMNIST

How appropriate that the governing body of the United States should vote a gold medal to that beautiful human being, John Wayne. It will go with his solid gold heart.

STATEMENT BY ROBERT MITCHEM, ACTOR

In a nation so young as ours we are blessed with far more globally popular heroes than ogres.

Our mighty oak of state grows with the names of those who have defined for history the value of principle in a humane society. As these principles are tested and adopted, we broaden understanding of ourselves.

As an advocate in the field of understanding John Wayne is unique. His gifted projection of the virtues of justice and equality, purpose and determination and forthright honesty have affected the American image all over the world.

His living testimony to his spoken beliefs contributes respect to that image.

Under the magnifying lens of mass scrutiny he has unfailingly delivered as promised. Without hesitation or exception, he loyally defends his ideals with reason and example. He has helped stamp the American brand on goods and custom universally welcomed.

With strength to inspire, he shares charity with the weak.

As an institution he represents the rock-solid faith of our founders in the American dream.

As a man, he has achieved his place with dignity.

A sturdy bough indeed, the Duke, so stands our mighty oak.

STATEMENT BY FORREST TUCKER, ACTOR

DEAR BARRY: I can't tell you how pleased I am that you and your colleagues in Congress are initiating the appropriate action to honor a man I unreservedly regard as one of the great American patriots of this century, John Wayne.

In the 40 years I have worked and played with Duke, my admiration of his superior achievements entertaining and inspiring generations of American youth with his countless movies, his fierce loyalty to, and outspoken love for his country, has been boundless.

I am proud, far beyond mere words, to know John Wayne and fervently wish that every American would know him so well.

STATEMENT BY ROBERT STACK, ACTOR

DEAR CONGRESSMAN GOLDWATER: I was overjoyed to hear our country is going to honor my old friend, John Wayne. I've known Duke for most of my life and he has consistently represented the best our profession has to offer.

He has never failed to show his love for America and his pride in being a citizen. Duke transcends the political left and right. He sounds more like Kit Carson or an Indian scout protecting his wagon train.

At a time when polarization seems to be the problem of the day, he sincerely echoes the sentiments of the gentlemen on Mount Rushmore. Old fashioned? Patriotism is never old fashioned.

I just came back from three months in Europe where everyone shows concern about his health. There has never been a member of our profession who has so impressed the world with his courage or his stature as a man. He has never appeared in a motion picture that would project a negative image of his beloved country. There is no artifice to this man. What you see is what you get, and what you got is a very special citizen who does our country credit.

STATEMENT BY AN ORDINARY AMERICAN CITIZEN

I read where you are trying to get friends in show business of John Wayne. I am not in show business, but I am a friend of his. I think all of the American people love him.

I am in my middle forties now, and I am a female, but he is just as big a hero to me as he is to every man that has uttered a word about this wonderful man.

It has been many years since America has had a true hero, and as you probably realize

it already, we Americans need heroes. Having this rare type of human being stimulates our country to remain the greatest nation in the world, and John Wayne exemplifies what we need to keep maintaining our place in the world that we fought so hard to gain.

Since I was a small child, expressions from the older women would be, "now there is a man," and the expressions from the man would be the same, but this really didn't have a true impact on me until my husband and I went to see one of John Wayne's movies. We never miss any of his movies, but this one was "True Grit." When Mr. Wayne did something to the bad guys, the men in the audience would clap, hoot, yell and cheer. These were men and boys, and they meant it. It wasn't a satirical or sarcastic type of display, it was from their hearts and it made me feel great, because as I remember times were depressing, the Vietnam War was on.

I took Mr. Wayne for granted up until that time, but not afterwards. I needed a hero, you see. I lost a brother in the Korean War, and he was my hero. I questioned our involvement in that war after my brother died, even though he had answered me when I asked him why he has to be there. His answer was because it would prevent the Communists from coming to America. My mother never questioned why, even though it was the second son she lost in a war, only the first one was killed in action during World War II. After the display of genuine adoration of Mr. Wayne, and looking back and his devotion to America, I no longer question why our boys are sent into certain conflicts. I never condemned them, because truthfully, I would have to condemn my brothers, and they hated war just as I do, but they loved their country, and I believe men like Mr. Wayne, he more so, kept us believing in our government. My brother kept my belief up, but he died fighting for his country, so I needed someone as prominent as Mr. Wayne to keep my faith going.

I come from a long line of proud-to-be-American, and Mr. Wayne has maintained this belief in millions of people, and he will never be forgotten for what he has done for the American people.

I am glad Mr. Wayne is to be honored this way. Anyone who receives this Medal should be glad to be honored by it.

STATEMENT BY MERLE OBERON, ACTRESS

No contemporary American reflects as keenly this country's character of individuality and pride in its heritage as does John Wayne.

As an actor and as a man, he is one of our most eloquent spokesmen and ambassadors. To express to him our awareness of and appreciation for his contributions should be indeed our honor.

STATEMENT BY BEN JOHNSON

In favor of a gold medal in honor of John Wayne.

STATEMENT BY LADY BIRD JOHNSON, LYNDIA JOHNSON ROBB, AND LUCY JOHNSON NUGENT

John Wayne rode into the hearts of the American people with all the savvy and frontier spirit that is a part of all of us. With his hallmark, true grit and caring about his neighbors, he embodies that love of adventure and strength of character that built this country. For his gallant courage and sturdy pioneer independence in the greatest American tradition, we salute him. ●

● Mr. BOLAND. Mr. Speaker, one of America's greatest natural resources is John Wayne. It is difficult to find words to express the depth of feeling that people all over the world have for John Wayne. He is an American that is bigger than even his bigger-than-life motion picture persona. For millions here and



around the world, John Wayne is America.

His place in our hearts is well-deserved. From the plains of our American West, to the battlefields of the world, John Wayne has always been the "good guy." He has always been on the side of all that is best in America. On the screen he has not always been victorious, but he never lost sight of the ideals that our country is founded upon. In real life, he has been no less a patriot. John Wayne's life has been highlighted by his charitable work and his courageous fight against cancer. Both on and off the screen, he has been an inspiration to millions. I wish him a speedy recovery from his current illness.

Mr. Speaker, this medal is to be inscribed, "John Wayne, American." That says it all.

● Mr. O'NEILL. Mr. Speaker, I am delighted that my colleagues in the House of Representatives today passed by voice vote, H.R. 3767, a bill which would authorize the President to present a gold medal to actor John Wayne. In addition, this legislation would permit the Treasury to produce bronze replicas of the medal for sale to the general public.

I can think of no man or woman more deserving of this fine honor than America's greatest folk hero and most popular film star. While John Wayne may be an oldtime superhero to Hollywood, he is the tough and rugged star of hundreds of westerns, war adventures, and action-filled movies to the young and old, rich and poor throughout the world.

John Wayne has enjoyed a prosperous career which has spanned four decades of filmmaking and has made him a household word and an integral part of every American family, and indeed, a part of every family in the world.

His great movies such as the classic film, "Stagecoach," and others including, "Red River," "Sands of Iwo Jima," "Rio Bravo," and "True Grit," for which he won an Oscar, are run and rerun continuously to each succeeding generation. The timelessness and agelessness of his films and of his acting style are what has made John Wayne the greatest box office attraction in motion picture history.

His style of acting and his movies have survived because they manifest the essence of the American frontier spirit: toughness and strength of character, rugged individualism and dogged determination of one's own destiny, a sense of personal and moral integrity and acute intellectual honesty. Throughout his career John Wayne has always portrayed the American hero who demonstrates that nothing is insurmountable if it is the right course of action.

A football star in high school and college, and a film hero for four decades, John Wayne is also an American hero for his ability to master the vicissitudes of his own personal life. Possessing an indomitable spirit and great resilience, John Wayne does not understand the word, "no." He personifies on and off the screen the fulfillment of the American dream.

Hollywood gave John Wayne in 1970 an Oscar for an outstanding Academy Award performance in the film, "True

Grit." The House has today given John Wayne a congressional Oscar for the conduct of his personal and public life and for distinguished service to his country.

● Mr. ROUSSELOT. Mr. Speaker, I rise in support of H.R. 3767, authorizing the President to present on behalf of Congress a specially struck gold medal to John Wayne. This bill is offered in tribute to the man whose name is synonymous with the American West. John Wayne is to be commended not only for the memorable achievements of his 50 years in film, but also, and more importantly, for the example he has set for the American people as a man of integrity, honor, and tremendous courage. John Wayne is one of a kind; a man of compassion and humor who has waged his private battle against disease with dignity. It is therefore entirely appropriate that John Wayne join the group of Americans who have been so honored.

Mr. EVANS of Delaware. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3767

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to John Wayne, a gold medal of appropriate design in recognition of his distinguished career as an actor and his service to the Nation. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed \$5,000 to carry out the provisions of this subsection.*

*(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be struck and sold at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, plus 25 per centum of such cost of manufacture. The appropriation then current and chargeable for the cost of manufacture of such duplicate medals shall be fully reimbursed from the payment required by this section and received by the Secretary, except that any money received in excess of the actual cost of manufacture of such duplicate medals shall from time to time be covered into the Treasury. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States fully for the payment required by this section.*

*(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).*

COMMITTEE AMENDMENTS OFFERED BY  
MR. ANNUNZIO

Mr. ANNUNZIO. By the direction of the Committee on Banking, Currency, and Urban Affairs, I offer committee amendments.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 1, after "inscriptions" insert ", including 'John Wayne, American'."

And on page 2, line 3, strike "\$5,000" and insert "\$15,000".

And on page 2, strike line 5 through line 17, and insert: (b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal, and the appropriations used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 631) to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to John Wayne, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 631

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to John Wayne, a gold medal of appropriate design in recognition of his distinguished career as an actor and his service to the Nation. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed \$15,000 to carry out the provisions of this subsection.*

*(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.*

*(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 368).*

MOTION OFFERED BY MR. ANNUNZIO

Mr. ANNUNZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANNUNZIO moves to strike all after the enacting clause of the Senate bill, S. 631, and to insert in lieu thereof the provisions of H.R. 3767, as passed by the House, as follows: That (a) the President of the United States is authorized to present, on behalf of the

Congress, to John Wayne, a gold medal of appropriate design in recognition of his distinguished career as an actor and his service to the Nation. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions, including "John Wayne, American", to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed \$15,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal, and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 3551 of the Revised Statutes (31 U.S.C. 358).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3767) was laid on the table.

#### GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### DICTATOR SOMOZA EVIDENCE SAYS DISREGARD FOR HUMAN LIFE IN NICARAGUA

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, I take this 1 minute today to report to the House another incident in Nicaragua that I think again points up the total and absolute disregard to human life evidenced by Dictator Somoza.

□ 1010

Just 3 days ago the National Guard troops shot to death the director of Jinotega's Red Cross as the director of the Red Cross sought to evacuate children from the battle zone on Sunday. I repeat: The National Guard, under Somoza, shot to death the director of Jinotega's Red Cross as he sought to evacuate children from the battle zone. The same kind of total disregard for innocent civilians was evidenced a couple weeks ago when the National Guard shot to death in cold blood two surgeons who were working in the hospital trying to treat those who had been wounded in battle. Once again the evidence is clear of the dictator Somoza's absolute and total disregard for the value of human rights in his country.

Somoza's actions in this regard are closely akin to the actions of the recently

deposed dictators, Pol Pot of Cambodia and Idi Amin of Uganda. Our relationship with Somoza should be the same as our relationships were with Pol Pot and Idi Amin.

#### CHUTZPAH AT THE UNIVERSITY OF CHICAGO

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, it would be hard to exceed the sheer chutzpah of the nearly one-third of the faculty at the University of Chicago expressing their outrage at that institution's recent Albert Pick, Jr., award to Robert S. McNamara.

In their zeal to condemn McNamara's involvement as Defense Secretary during the Vietnam war, these academicians have little moral energy to expend on behalf of the over 250,000 refugees who have risked being shot, starved, beaten, and drowned fleeing from the Communist nightmare now enveloping Vietnam, Cambodia, and Laos.

One need not defend our disastrous conduct of the Southeast Asian war to recognize that our intentions were noble—to resist Communist aggression. The measure of our failure is seen in the tragic faces of the very young and very old who are homeless and apparently unwanted by those who display their version of compassion by howling at Robert McNamara.

If Jane Fonda was right, then perhaps the blood and tears of these helpless refugees does not exist. Having interviewed them in Thailand and Malaysia, I beg to differ.

#### CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 107, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1980

Mr. GIAIMO. Mr. Speaker, pursuant to the order of the House of May 22, 1979, I call up the conference report on the concurrent resolution (H. Con. Res. 107) setting forth the Congressional Budget for the U.S. Government for the fiscal year 1980 and revising the Congressional Budget for the U.S. Government for the fiscal year 1979.

The SPEAKER pro tempore. Under the rule, since the conference report has not been filed the required number of days, the Clerk will read the conference report.

(For conference report and statement, see proceedings of the House of May 21, 1979.)

The SPEAKER pro tempore. The Clerk will read the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that:

#### A Budget Balanced in 1981

(a) In order to achieve a balanced budget in fiscal year 1981, the following budgetary levels are appropriate for the fiscal years be-

ginning on October 1, 1979, October 1, 1980, and October 1, 1981—

(1) the recommended level of Federal revenues is as follows:

Fiscal year 1980: \$503,600,000,000;  
Fiscal year 1981: \$576,200,000,000;  
Fiscal year 1982: \$615,000,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1980: +\$100,000,000;  
Fiscal year 1981: +\$4,700,000,000;  
Fiscal year 1982: -\$49,900,000,000;

(2) the appropriate level of total new budget authority is as follows:

Fiscal year 1980: \$600,300,000,000;  
Fiscal year 1981: \$637,200,000,000;  
Fiscal year 1982: \$686,800,000,000;

(3) the appropriate level of total budget outlays is as follows:

Fiscal year 1980: \$532,600,000,000;  
Fiscal year 1981: \$575,600,000,000;  
Fiscal year 1982: \$614,100,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1980: -29,000,000,000;  
Fiscal year 1981: +\$600,000,000;  
Fiscal year 1982: +\$900,000,000;

(5) the appropriate level of the public debt is as follows:

Fiscal year 1980: \$890,700,000,000;  
Fiscal year 1981: \$921,200,000,000;  
Fiscal year 1982: \$959,500,000,000;

the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1980: \$60,700,000,000;  
Fiscal year 1981: \$91,200,000,000;  
Fiscal year 1982: \$129,500,000,000;

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal years beginning on October 1, 1979, October 1, 1980, and October 1, 1981, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):

Fiscal year 1980:  
(A) New budget authority, \$137,800,000,000;

(B) Outlays, \$124,300,000,000.

Fiscal year 1981:

(A) New budget authority, \$148,100,000,000;

(B) Outlays, \$135,800,000,000.

Fiscal year 1982:

(A) New budget authority, \$157,900,000,000;

(B) Outlays, \$147,000,000,000.

(2) International Affairs (150):

Fiscal year 1980:

(A) New budget authority, \$12,000,000,000;

(B) Outlays, \$7,900,000,000.

Fiscal year 1981:

(A) New budget authority, \$13,500,000,000;

(B) Outlays, \$8,000,000,000.

Fiscal year 1982:

(A) New budget authority, \$12,500,000,000;

(B) Outlays, \$7,800,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1980:

(A) New budget authority, \$5,700,000,000;  
(B) Outlays, \$5,500,000,000.

Fiscal year 1981:

(A) New budget authority, \$5,600,000,000;  
(B) Outlays, \$5,500,000,000.

Fiscal year 1982:

(A) New budget authority, \$5,300,000,000;



(B) Outlays, \$5,300,000,000.  
 (4) Energy (270):  
 Fiscal year 1980:  
 (A) New budget authority, \$18,400,000,000;  
 (B) Outlays, \$6,400,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$5,000,000,000;  
 (B) Outlays, \$7,400,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$7,000,000,000;  
 (B) Outlays, \$7,400,000,000.  
 (5) Natural Resources and Environment (300):  
 Fiscal year 1980:  
 (A) New budget authority, \$12,500,000,000;  
 (B) Outlays, \$11,700,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$13,100,000,000;  
 (B) Outlays, \$12,600,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$13,800,000,000;  
 (B) Outlays, \$13,400,000,000.  
 (6) Agriculture (350):  
 Fiscal year 1980:  
 (A) New budget authority, \$5,000,000,000;  
 (B) Outlays, \$5,400,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$5,300,000,000;  
 (B) Outlays, \$7,500,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$5,500,000,000;  
 (B) Outlays, \$7,600,000,000.  
 (7) Commerce and Housing Credit (370):  
 Fiscal year 1980:  
 (A) New budget authority, \$6,800,000,000;  
 (B) Outlays, \$3,200,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$5,800,000,000;  
 (B) Outlays, \$3,700,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$6,200,000,000;  
 (B) Outlays, \$3,500,000,000.  
 (8) Transportation (400):  
 Fiscal year 1980:  
 (A) New budget authority, \$18,700,000,000;  
 (B) Outlays, \$18,200,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$20,800,000,000;  
 (B) Outlays, \$19,500,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$20,100,000,000;  
 (B) Outlays, \$20,200,000,000.  
 (9) Community and Regional Development (450):  
 Fiscal year 1980:  
 (A) New budget authority, \$9,000,000,000;  
 (B) Outlays, \$8,200,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$9,800,000,000;  
 (B) Outlays, \$8,500,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$9,600,000,000;  
 (B) Outlays, \$8,900,000,000.  
 (10) Education, Training, Employment, and Social Services (500):  
 Fiscal year 1980:  
 (A) New budget authority, \$29,100,000,000;  
 (B) Outlays, \$29,900,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$28,700,000,000;  
 (B) Outlays, \$28,900,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$29,000,000,000;  
 (B) Outlays, \$28,800,000,000.  
 (11) Health (550):  
 Fiscal year 1980:  
 (A) New budget authority, \$58,100,000,000;  
 (B) Outlays, \$53,600,000,000.  
 Fiscal year 1981:  
 (A) New Budget authority, \$68,700,000,000;  
 (B) Outlays, \$60,000,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$79,100,000,000;  
 (B) Outlays, \$66,400,000,000.  
 (12) Income Security (600):  
 Fiscal year 1980:  
 (A) New budget authority, \$212,400,000,000;

(B) Outlays, \$184,000,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$236,000,000,000;  
 (B) Outlays, \$201,900,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$264,400,000,000;  
 (B) Outlays, \$221,500,000,000.  
 (13) Veterans Benefits and Services (700):  
 Fiscal year 1980:  
 (A) New budget authority, \$21,100,000,000;  
 (B) Outlays, \$20,500,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$21,800,000,000;  
 (B) Outlays, \$21,500,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$22,600,000,000;  
 (B) Outlays, \$22,600,000,000.  
 (14) Administration of Justice (750):  
 Fiscal year 1980:  
 (A) New budget authority, \$4,200,000,000;  
 (B) Outlays, \$4,400,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$4,300,000,000;  
 (B) Outlays, \$4,400,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$4,300,000,000;  
 (B) Outlays, \$4,200,000,000.  
 (15) General Government (800):  
 Fiscal year 1980:  
 (A) New budget authority, \$4,300,000,000;  
 (B) Outlays, \$4,200,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$4,800,000,000;  
 (B) Outlays, \$4,600,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$5,000,000,000;  
 (B) Outlays, \$4,800,000,000.  
 (16) General Purpose Fiscal Assistance (850):  
 Fiscal year 1980:  
 (A) New budget authority, \$8,500,000,000;  
 (B) Outlays, \$8,500,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$8,600,000,000;  
 (B) Outlays, \$8,600,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$8,700,000,000;  
 (B) Outlays, \$8,700,000,000.  
 (17) Interest (900):  
 Fiscal year 1980:  
 (A) New budget authority, \$56,000,000,000;  
 (B) Outlays, \$56,000,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$57,700,000,000;  
 (B) Outlays, \$57,700,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$58,400,000,000;  
 (B) Outlays, \$58,400,000,000.  
 (18) Allowances (920):  
 Fiscal year 1980:  
 (A) New budget authority, \$400,000,000;  
 (B) Outlays, \$400,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, \$100,000,000;  
 (B) Outlays, \$100,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, \$100,000,000;  
 (B) Outlays, \$100,000,000.  
 (19) Undistributed Offsetting Receipts (950):  
 (A) New budget authority, —\$19,700,000,000;  
 (B) Outlays, —\$19,700,000,000.  
 Fiscal year 1981:  
 (A) New budget authority, —\$20,600,000,000;  
 (B) Outlays, —\$20,600,000,000.  
 Fiscal year 1982:  
 (A) New budget authority, —\$22,700,000,000;  
 (B) Outlays, —\$22,700,000,000.

REVISIONS TO THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1979

SEC. 2. Pursuant to section 304 of the Congressional Budget Act of 1974:

(a) Section 1 of H. Con. Res. 683 is revised as follows:  
 (1) The recommended level of Federal revenues is \$457,200,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is \$100,000,000.  
 (2) The appropriate level of total new budget authority is \$560,700,000,000.  
 (3) The appropriate level of total budget outlays is \$494,500,000,000.  
 (4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$37,300,000,000.  
 (5) The appropriate level of the public debt is \$833,900,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is \$3,900,000,000.  
 (b) Section 2 of H. Con. Res. 683 is revised as follows:  
 (1) National Defense (050):  
 (A) New budget authority, \$127,200,000,000;  
 (B) Outlays, \$7,700,000,000.  
 (2) International Affairs (150):  
 (A) New budget authority, \$12,000,000,000;  
 (B) Outlays, \$7,700,000,000.  
 (3) General Science, Space, and Technology (250):  
 (A) New budget authority, \$5,400,000,000;  
 (B) Outlays, \$5,200,000,000.  
 (4) Energy (270):  
 (A) New budget authority, \$7,600,000,000;  
 (B) Outlays, \$7,400,000,000.  
 (5) Natural Resources and Environment (300):  
 (A) New budget authority, \$12,900,000,000;  
 (B) Outlays, \$11,300,000,000.  
 (6) Agriculture (350):  
 (A) New budget authority, \$8,300,000,000;  
 (B) Outlays, \$6,200,000,000.  
 (7) Commerce and Housing Credit (370):  
 (A) New budget authority, \$5,900,000,000;  
 (B) Outlays, \$2,900,000,000.  
 (8) Transportation (400):  
 (A) New budget authority, \$19,800,000,000;  
 (B) Outlays, \$17,000,000,000.  
 (9) Community and Regional Development (450):  
 (A) New budget authority, \$9,400,000,000;  
 (B) Outlays, \$9,800,000,000.  
 (10) Education, Training, Employment, and Social Services (500):  
 (A) New budget authority, \$32,600,000,000;  
 (B) Outlays, \$29,500,000,000.  
 (11) (b) Health (550):  
 (A) New budget authority, \$53,100,000,000;  
 (B) Outlays, \$49,700,000,000.  
 (12) Income Security (600):  
 (A) New budget authority, \$194,100,000,000;  
 (B) Outlays, \$161,100,000,000.  
 (13) Veterans Benefits and Services (700):  
 (A) New budget authority, \$20,400,000,000;  
 (B) Outlays, \$20,200,000,000.  
 (14) Administration of Justice (750):  
 (A) New Budget authority, \$4,200,000,000;  
 (B) Outlays, \$4,200,000,000.  
 (15) General Government (800):  
 (A) New budget authority, \$4,300,000,000;  
 (B) Outlays, \$4,200,000,000.  
 (16) General Purpose Fiscal Assistance (850):  
 (A) New budget authority, \$8,500,000,000;  
 (B) Outlays, \$8,600,000,000.  
 (17) Interest (900):  
 (A) New budget authority, \$52,400,000,000;  
 (B) Outlays, \$52,400,000,000.  
 (18) Allowances (920):  
 (A) New budget authority, \$700,000,000;  
 (B) Outlays, \$700,000,000.  
 (19) Undistributed Offsetting Receipts (950):  
 (A) New budget authority, —\$18,100,000,000;  
 (B) Outlays, —\$18,100,000,000.

Mr. GIAIMO (during the reading).  
 Mr. Speaker, I ask unanimous consent

that further reading of the Senate amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I inquire of the Chair whether or not this is the conference report that is being considered, or is it a motion to recede and concur in the Senate amendment?

The previous proceedings did not make that clear to the House.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Mr. Speaker, I will yield to anyone who can answer. Yes, I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Speaker, right now, as I understand it, the Clerk is reading the Senate amendment. I am asking to dispense with further reading of it and then I am going to move to recede and concur with an amendment.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, once again this year we are voiding the procedure of the statute which requires 5 hours of debate, and instead, reducing it to 1 hour, which will be controlled by the gentleman from Connecticut, I assume, and this will be a contravention of the statute.

I yield to the gentleman.

Mr. GIAIMO. The gentleman is yielding to me?

Mr. BAUMAN. It looked like the gentleman wanted more time, and I yield to the gentleman.

Mr. GIAIMO. I am not so sure I want to compliment the gentleman. Once again, we appear to be in technical disagreement and, therefore, the conference is in disagreement. It would be my intention to make a motion that we recede and concur in the Senate amendment with an amendment.

Mr. BAUMAN. Only the gentleman from Connecticut and I am concerned about such esoteric matters, anyway.

Mr. GIAIMO. The time I will share with the gentleman from Ohio.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut (Mr. GIAIMO) that further reading of the Senate amendment be dispensed with, and that it be printed in the RECORD?

There was no objection.

MOTION OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GIAIMO moves that the House recede from its disagreement to the Senate amendment and to concur therein with an amendment, as follows: In lieu of the matter proposed by the Senate, insert the following: That Congress hereby determines and declares, that pursuant to section 304 of the Congressional Budget Act of 1974:

REVISIONS TO THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1979

(a) Section 1 of H. Con. Res. 683 is revised as follows:

(1) The recommended level of Federal revenues is \$461,000,000,000 and the amount by which the aggregate level of Federal revenues should be decreased is \$100,000,000.

(2) The appropriate level of total new budget authority is \$559,200,000,000.

(3) The appropriate level of total budget outlays is \$494,450,000,000.

(4) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is \$33,450,000,000.

(5) The appropriate level of the public debt is \$834,200,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is \$4,200,000,000.

(b) Section 2 of H. Con. Res. 683 is revised as follows:

(1) National Defense (050):

(A) New budget authority, \$127,000,000,000;

(B) Outlays, \$114,400,000,000.

(2) International Affairs (150):

(A) New budget authority, \$11,400,000,000;

(B) Outlays, \$7,500,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, \$5,400,000,000;

(B) Outlays, \$5,200,000,000.

(4) Energy (270):

(A) New budget authority, \$7,600,000,000;

(B) Outlays, \$7,400,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, \$12,900,000,000;

(B) Outlays, \$11,300,000,000.

(6) Agriculture (350):

(A) New budget authority, \$8,300,000,000;

(B) Outlays, \$6,200,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, \$5,900,000,000;

(B) Outlays, \$2,900,000,000.

(8) Transportation (400):

(A) New budget authority, \$19,000,000,000;

(B) Outlays, \$17,000,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, \$9,200,000,000;

(B) Outlays, \$9,700,000,000.

(10) Education, Training, Employment, and Social Services (500):

(A) New budget authority, \$32,700,000,000;

(B) Outlays, \$29,700,000,000.

(11) Health (550):

(A) New budget authority, \$53,000,000,000;

(B) Outlays, \$49,700,000,000.

(12) Income Security (600):

(A) New budget authority, \$194,150,000,000;

(B) Outlays, \$161,100,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, \$20,400,000,000;

(B) Outlays, \$20,200,000,000.

(14) Administration of Justice (750):

(A) New budget authority, \$4,200,000,000;

(B) Outlays, \$4,200,000,000.

(15) General Government (800):

(A) New budget authority, \$4,300,000,000;

(B) Outlays, \$4,200,000,000.

(16) General Purpose Fiscal Assistance (850):

(A) New budget authority, \$8,650,000,000;

(B) Outlays, \$8,750,000,000.

(17) Interest (900):

(A) New budget authority, \$52,400,000,000;

(B) Outlays, \$52,400,000,000.

(18) Allowances (920):

(A) New budget authority, \$700,000,000;

(B) Outlays, \$700,000,000.

(19) Undistributed Offsetting Receipts (950):

(A) New budget authority, —\$18,100,000,000;

(B) Outlays, —\$18,100,000,000.

SEC. 2(a) Pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979—

(1) the recommended level of Federal revenues is \$509,000,000,000, and the amount by which the aggregate level of Federal revenues should be increased or decreased is zero;

(2) the appropriate level of total new budget authority is \$604,050,000,000;

(3) the appropriate level of total budget outlays is \$532,000,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic debt should be accordingly increased is \$23,000,000,000; and

(5) the appropriate level of the public debt is \$887,200,000,000, and the amount by which the temporary statutory limit on such debt should be accordingly increased is \$57,200,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, \$136,600,000,000;

(B) Outlays, \$124,200,000,000.

(2) International Affairs (150):

(A) New budget authority, \$12,600,000,000;

(B) Outlays, \$7,900,000,000.

(3) General Science, Space, and Technology (250):

(A) New budget authority, \$5,700,000,000;

(B) Outlays, \$5,500,000,000.

(4) Energy (270):

(A) New budget authority, \$18,800,000,000;

(B) Outlays, \$6,800,000,000.

(5) Natural Resources and Environment (300):

(A) New budget authority, \$12,600,000,000;

(B) Outlays, \$11,700,000,000.

(6) Agriculture (350):

(A) New budget authority, \$5,000,000,000;

(B) Outlays, \$5,400,000,000.

(7) Commerce and Housing Credit (370):

(A) New budget authority, \$6,900,000,000;

(B) Outlays, \$3,200,000,000.

(8) Transportation (400):

(A) New budget authority, \$19,450,000,000;

(B) Outlays, \$18,200,000,000.

(9) Community and Regional Development (450):

(A) New budget authority, \$8,900,000,000;

(B) Outlays, \$8,100,000,000.

(10) Education, Training, Employment, and Social Services (500):

(A) New budget authority, \$30,500,000,000;

(B) Outlays, \$30,500,000,000.

(11) Health (550):

(A) New budget authority, \$58,100,000,000;

(B) Outlays, \$53,600,000,000.

(12) Income Security (600):

(A) New budget authority, \$214,800,000,000;

(B) Outlays, \$183,300,000,000.

(13) Veterans Benefits and Services (700):

(A) New budget authority, \$21,200,000,000;

(B) Outlays, \$20,600,000,000.

(14) Administration of Justice (750):

(A) New budget authority, \$4,200,000,000;

(B) Outlays, \$4,400,000,000.

(15) General Government (800):

(A) New budget authority, \$4,400,000,000;

(B) Outlays, \$4,300,000,000.

(16) General Purposes Fiscal Assistance (850):



- (A) New budget authority, \$8,100,000,000;  
 (B) Outlays, \$8,100,000,000.  
 (17) Interest (900):  
 (A) New budget authority, \$56,000,000,000;  
 (B) Outlays, \$56,000,000,000.  
 (18) Allowances (920):  
 (A) New budget authority, —\$100,000,000;  
 (B) Outlays, —\$100,000,000.  
 (19) Undistributed Offsetting Receipts (950):  
 (A) New budget authority, —\$19,700,000,000;  
 (B) Outlays, —\$19,700,000,000.

BUDGET AGGREGATES FOR FISCAL YEARS 1981  
AND 1982

SEC. 3(a). In order to achieve a balanced budget in fiscal years 1981 and 1982, the following aggregate budgetary levels recommended by the Senate are appropriate for fiscal years 1981 and 1982—

(1) The recommended level of revenues is as follows:

Fiscal year 1981: \$583,300,000,000;  
 Fiscal year 1982: \$621,000,000,000;  
 and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:

Fiscal year 1981: +\$4,600,000,000;  
 Fiscal year 1982: —\$49,900,000,000;  
 (2) the appropriate level of budget authority is as follows:

Fiscal year 1981: \$640,300,000,000;  
 Fiscal year 1982: \$691,600,000,000;  
 (3) the aggregate level of total budget outlays is as follows:

Fiscal year 1981: \$577,700,000,000;  
 Fiscal year 1982: \$616,900,000,000;  
 (4) the amount of surplus in the budget is as follows:

Fiscal year 1981: \$5,600,000,000;  
 Fiscal year 1982: \$4,100,000,000;  
 (5) the appropriate level of the public debt is as follows:

Fiscal year 1981: \$912,600,000,000;  
 Fiscal year 1982: \$947,500,000,000.  
 (b) The House projects the following budget aggregates for fiscal years 1981–82, based on the policies assumed in section two above—

(1) the level of Federal revenues is as follows:

Fiscal year 1981: \$579,800,000,000;  
 Fiscal year 1982: \$655,300,000,000;  
 (2) the level of total new budget authority is as follows:

Fiscal year 1981: \$658,700,000,000;  
 Fiscal year 1982: \$721,400,000,000;  
 (3) the level of total budget outlays is as follows:

Fiscal year 1981: \$577,700,000,000;  
 Fiscal year 1982: \$622,700,000,000;  
 (4) the amount of surplus in the budget is as follows:

Fiscal year 1981: \$2,100,000,000;  
 Fiscal year 1982: \$32,600,000,000;  
 (5) the level of the public debt is as follows:

Fiscal year 1981: \$916,100,000,000;  
 Fiscal year 1982: \$922,500,000,000.

GENERAL PROVISIONS

SEC. 4(a) The Congress recognizes that the activities of off-budget Federal entities are excluded from the budget by law. The Congress recommends that a way be found within the Congressional budget process to relate accurately the estimates of off-budget Federal entities and capital expenditures to the unified budget.

(b) In 1979, each standing committee of the House of Representatives shall report by July 1 to the House of Representatives its recommendations and the status of its actions with respect to new spending authority including all legislative savings, and other reforms, targeted by the first concurrent resolution on the budget for the fiscal year ending on September 30 of that same year. This report shall include any additional

legislative savings which the committee believes should be considered by the House in the programs for which such committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives specific recommendations as to all possible legislative savings for the programs for which the committee has responsibility.

In 1980, each standing committee of the House of Representatives shall include in its March 15 report to the Budget Committee of the House of Representatives an estimate of the unobligated (and unexpended) balances of budget authority, an analysis of the amounts to which such unexpended or unobligated balances could reasonably be reduced, and what steps, if any, have been or are being taken to reduce such balances.

Mr. GIAIMO (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GIAIMO) will be recognized for 30 minutes.

The gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the conference report and the amendments to House Concurrent Resolution 107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of the conference substitute. After 9 days on the House floor and a difficult conference with the Senate, we have reached agreement on a budget which preserves the basic priorities in the budget resolution passed by the House.

First, we have continued our progress toward reducing the deficit. The conference agreement sets a deficit for fiscal year 1980 of \$23 billion. We have made steady progress in the last 2 years in bringing the deficit under control. In fiscal year 1978, the budget deficit was almost \$49 billion. Last fall we adopted a budget for fiscal year 1979 that projected a deficit of \$38.8 billion. The conference substitute before you today will reduce that deficit to about \$33.5 billion. Mr. Speaker, I think we can be proud of our success in controlling Federal spending: Since fiscal year 1978, we have cut the deficit in half. In the next year or so, economic circumstances permitting, we can achieve a balanced budget.

Second, the conference substitute preserves the House position with respect to funding levels for fiscal year 1979. All the initiatives targeted in the Simon amendment, including disaster relief, targeted

fiscal assistance, funding for food stamps, and the *Spruance*-class destroyers, are included in the conference agreement.

Third, we have continued to provide, in the year the Senate will consider the SALT II treaty, for a strong national defense. Like many Members of the House I have been—and will continue to be—critical of the very real excesses in our defense budget. The level of spending for fiscal year 1980 agreed to in conference may be too high, but it is still \$1.7 billion in budget authority and \$1.8 billion in outlays below the level requested by the President. This represents a reasonable compromise between the positions of the House and Senate on this very sensitive and complex issue.

Finally, we have preserved most of the domestic spending priorities assumed in the resolution as it passed the House. The House overwhelmingly voted to protect the food stamp program, and we maintained that position. The House voted to keep the door open for a new targeted fiscal assistance program, and the conference substitute does that. Four times the House voted to cut the State portion of revenue sharing. The conference substitute provides for a \$700 million reduction in that program, suggesting either the termination or phasing out of part of the program. The House-passed resolution provided funding for the urban development action grant program as well as the economic development administration program; the conference agreement fully protects these programs at reasonable and equitable funding levels.

Now, let me address function 500—education, training, employment, and social services. A great deal of misunderstanding seems to center on exactly what the conference agreement provides. The facts happen to be as follows: The House and Senate conferees agreed on a figure that protects the human needs programs we all value so highly. In that function the conference agreement includes \$400 million in budget authority over the level recommended by the President for education. It assumes a 14-percent Federal subsidy rate (2 percent higher than the President's budget) for State grants for education of the handicapped, a 10-percent increase over the President's request for Head Start, and full funding of the basic opportunity grants program. In addition, the agreement assumes a ceiling for title XX social services over the President's request, and \$125 million over the President for programs for the elderly.

In the area of employment and training, the conference substitute assumes 267,000 structural public service jobs and 200,000 countercyclical public service jobs by the end of fiscal year 1980—the same as assumed by the administration. By carrying over funds from 1979 and as a result of changing enrolling patterns we believe that these job levels can be achieved with less funds than provided in the House-passed version. I pledge to fight for additional funding to attain these job levels should the revised estimates agreed to in conference prove to be wrong.

The conference provides for 875,000 summer jobs—125,000 more than the President, but 125,000 below the House-approved resolution. Job slots for the elderly are increased by 5,000 above the President's level.

Now some of you may not like the figures agreed to in conference. You may want a little more padding in the budget resolution to assure that your own personal list of priorities will not be short changed. I can sympathize with that sentiment. But I ask you to keep three things in mind as you cast your vote on this resolution. First, this is a target resolution. Nothing we do today will actually bind us as we make the hundreds of individual choices that comprise the budget. Second, everyone knows that the public is demanding that the Congress adopt a policy of fiscal restraint. You know it and I know it. This cannot be done prudently if we are to allow the budget to be excessively bloated with "insurance funds" that stand no real chance of meaningful consideration. Fiscal restraint does not allow a business as usual budget practice of padding each function to insure the enactment of each pet project. In fact, it could easily have the reverse effect and prompt Members to call for deeper cuts when specific appropriations bills are considered. And thirdly, remember that no budget is perfect. If we are to succeed in making this budget process work, if we really intend to control inflation, reduce unemployment, and eliminate the deficit, we will have to accept some compromises and learn to live with the possible without giving up our efforts to achieve the desirable.

To that end, I urge adoption of the conference substitute.

*Revenues, Fiscal Year 1979*  
[In millions of dollars]

	Revenues
House resolution.....	\$458,485
Senate resolution.....	457,200
Conference agreement.....	461,000
Conference over (+) under (-)	
House .....	+2,515

The House Resolution provided \$458,485 million in revenues through current law with a \$15 million for tax committee flexibility. The Senate Resolution provided \$457,200 million in revenues through current law with a \$100 million reduction for sugar legislation and tax committee flexibility.

The conference substitute provides \$461,000 million in revenues, \$2,515 million above the House level. The higher conference figure assumes a higher rate of inflation and recognizes the higher level of Treasury collections apparent in recent months. A \$100 million revenue reduction is assumed within this target as an allowance for sugar legislation and added tax committee flexibility.

*Function 050: National Defense, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	126,096	114,132
Senate resolution.....	127,200	114,500
Conference agreement.....	127,000	114,400
Conference over (+) under (-) House.....	+904	+268

The House Resolution provided \$628 million in budget authority and \$315 million in outlays for two frigates originally ordered by Iran which were requested in an fiscal year 1979 program supplemental.

The Senate Resolution provided \$1.7 billion in budget authority and \$0.5 billion in outlays for the DOD program supplemental.

The conference substitute provides for a Department of Defense program supplemental of \$1.5 billion in budget authority which is \$0.9 billion more than the House-passed assumption. However, this is still \$0.6 billion below the President's request of \$2.2 billion.

The outlay increase of \$268 million results from the decision to increase budget authority.

*Function 150: International Affairs, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	11,240	7,325
Senate resolution.....	12,000	7,700
Conference agreement.....	11,400	7,500
Conference over (+) under (-) House.....	+160	+175

The House Resolution provided \$11,240 million in budget authority and \$7,325 in outlays. This essentially provided for the President's request including a supplemental for Israel and Egypt as a result of the peace treaty.

The Senate Resolution provided essentially the House level with a different estimate for the Foreign Military Sales Trust Fund plus security assistance to Turkey.

The conference substitute provides House levels plus allowances for supplemental appropriations for security assistance for Turkey (+\$150 million in budget authority and +\$100 in outlays) plus additional outlays for the Food for Peace program.

Other minor changes result from rounding.

*Function 250: General Science, Space and Technology, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	5,357	5,151
Senate resolution.....	5,400	5,200
Conference agreement.....	5,400	5,200
Conference over (+) under (-) House.....	+43	+49

The House Resolution provided \$5,357 million in budget authority and \$5,200 million in outlays.

The Senate Resolution provided \$5,400 million in budget authority and \$5,200 million in outlays.

The conference substitute provides \$5,400 million in budget authority and \$5,200 million in outlays. This is substantially consistent with the assumptions in the House-passed Resolution.

*Function 270: Energy, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	7,592	7,338
Senate resolution.....	7,600	7,400
Conference agreement.....	7,600	7,400
Conference over (+) under (-) House.....	+8	+62

The House Resolution provided \$7,592 million in budget authority and \$7,338 million in outlays.

The Senate Resolution provided \$7,600 million in budget authority and \$7,400 million in outlays.

The conference substitute provides \$7,600 million in budget authority and \$7,400 million in outlays. This is generally consistent with the House-passed resolution.

*Function 300: Natural Resources and Environment, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	12,858	11,272
Senate resolution.....	12,900	11,300
Conference agreement.....	12,900	11,300
Conference over (+) under (-) House.....	+42	+28

The House Resolution provided \$12,858 million in budget authority and \$11,272 million in outlays.

The Senate Resolution provided \$12,900 million in budget authority and \$11,300 million in outlays.

The conference substitute provides \$12,900 million in budget authority and \$11,300 million in outlays. This is substantially consistent with the assumptions in the House-passed Resolution.

*Function 350: Agriculture, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	8,283	5,918
Senate resolution.....	8,300	6,200
Conference agreement.....	8,300	6,200
Conference over (+) under (-) House.....	+17	+282

The House Resolution provided \$8,283 million in budget authority and \$5,918 million in outlays.

The Senate Resolution provided \$8,300 million in budget authority and \$6,200 million in outlays.

The conference substitute provides \$5,400 million in budget authority and \$6,200 million in outlays. This is substantially consistent with the House-passed Resolution in budget authority and \$282 million above the House figure in outlays. The conferees agreed to the Senate's outlay figure to accommodate possible authorization of the International Emergency Food Reserve or likely upward outlay reestimates in the current commodity price support program.

*Function 370: Commerce and Housing Credit, Fiscal Year 1979*  
[In millions of dollars]

	BA	O
House resolution.....	5,844	2,917
Senate resolution.....	5,900	2,900
Conference agreement.....	5,900	2,900
Conference over (+) under (-) House.....	+56	-17

The House Resolution provided budget authority of \$5,844 million and outlays of \$2,917 million.

The Senate Resolution provided budget authority of \$5,900 million and outlays of \$2,900 million.

The conference substitute provides budget authority of \$5,900 million and outlays of \$2,900 million. The increase provided in the conference substitute may be assumed for initial funding for the newly authorized National Consumer Cooperative Bank.



**Function 400: Transportation, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	19,212	17,137
Senate resolution.....	19,800	17,000
Conference agreement.....	19,100	17,000

Conference over (+)  
under (-) House..... -112 -137

The House Resolution provided budget authority of \$19,212 million and outlays of \$17,137 million.

The Senate Resolution provided budget authority of \$19,800 million and outlays of \$17,000 million.

The conference substitute provides budget authority of \$19,100 million and outlays of \$17,000 million. The conference substitute differs from the President's supplemental request for ConRail funding in that it assumes that ConRail funding will be provided annually as needed rather than in a lump sum. The conference substitute also assumes the President's mass transportation funding level; it does not anticipate supplemental funds for mass transportation in fiscal year 1979.

**Function 450: Community and Regional Development, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	8,957	9,626
Senate resolution.....	9,400	9,800
Conference agreement.....	9,200	9,700

Conference over (+)  
under (-) House..... +243 +74

The House Resolution provided budget authority of \$8,957 million and outlays of \$9,626 million.

The Senate Resolution provided budget authority of \$9,400 million and outlays of \$9,800 million.

The conference substitute provides budget authority of \$9,200 million and outlays of \$9,700 million. The substitute reflects an increase of \$243 million in budget authority available for disaster assistance programs.

**Function 500: Education, Training, Employment, and Social Services, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	32,716	30,038
Senate resolution.....	32,600	29,500
Conference agreement.....	32,700	29,700

Conference over (+)  
under (-) House..... -16 -338

The House Resolution provided \$32,716 million in budget authority and \$30,038 million in outlays.

The Senate Resolution provided \$32,600 million in budget authority and \$29,500 million in outlays.

The conference substitute provides \$32,700 million in budget authority and \$29,700 million in outlays. The conference substitute assumes lower expenditure rates for CETA public service employment and youth employment programs.

**Function 550: Health, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	52,904	49,409
Senate resolution.....	43,100	49,700
Conference agreement.....	53,000	49,700

Conference over (+) under (-) House..... +96 +291

The House Resolution provided \$52,904 million in budget authority and \$49,409 million in outlays.

The Senate Resolution provided \$43,100 million in budget authority and \$49,700 million in outlays.

The conference substitute provides \$53,000 million in budget authority and \$49,700 million in outlays. The substitute provides funds for a portion of the President's proposals for supplemental appropriations for discretionary health programs and provides higher outlays for the medicare program in recognition of the fact that savings from voluntary efforts and constrain hospital cost increases are not being achieved.

**Function 600: Income Security, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	194,367	161,696
Senate resolution.....	194,100	161,100
Conference agreement.....	194,150	161,100

Conference over (+) under (-) House..... -217 -596

The House Resolution provided \$194,367 million in budget authority and \$161,696 million in outlays.

The Senate Resolution provided \$194,100 million in budget authority and \$161,100 million in outlays.

The conference substitute provides \$194,150 million in budget authority and \$161,100 million in outlays. This is a reduction of \$217 million in budget authority and \$596 million in outlays below the House level.

The major issue in the conference was funding for the Food Stamp program. The House estimates were \$250 million in budget authority and \$200 million in outlays above the estimates in the Senate resolution. The conference agreement reduced the House estimates by \$125 million in budget authority and \$100 million in outlays, making the totals for this program \$6,549 million in budget authority and \$6,866 million in outlays, which is \$534 million in budget authority and \$546 million in outlays above the estimate for Fiscal Year 1979 included in the President's January budget and the March OMB update. It should be emphasized that the amounts included in the resolution for the Food Stamp program represent an estimate of program costs and not a proposed ceiling. The ceilings in this resolution are imposed by the overall budget totals. Estimates of the cost of individual programs are subject to change.

The remaining changes to the House estimates reflect adjustments as a result of economic conditions. The major changes were a reduction in outlays for unemployment compensation of \$700 million below the House level, which was partially offset by an increase of \$300 million in outlays for programs indexed by law to the cost-of-living. The higher-than-anticipated inflation rate in the first quarter of calendar year 1979 will cause higher outlays in indexed programs, the largest of which is social security. The conference agreement for Fiscal Year 1980 includes an adjustment for this purpose.

**Function 700: Veterans Benefits and Services, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	20,386	20,211
Senate resolution.....	20,400	20,200
Conference agreement.....	20,400	20,200

Conference over (+) under (-) House..... +14 -11

The House Resolution provided \$20,386 million in budget authority and \$20,211 million in outlays.

The Senate Resolution provided \$20,400 million in budget authority and \$20,200 million in outlays.

The conference substitute provides \$20.4 billion in budget authority and \$20.2 billion in outlays.

**Function 750: Administration of Justice, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	4,163	4,179
Senate resolution.....	4,200	4,200
Conference agreement.....	4,200	4,200

Conference over (+) under (-) House..... +37 +21

The House Resolution provided budget authority of \$4,163 million and outlays of \$4,179 million.

The Senate Resolution provided budget authority of \$4,200 million and outlays of \$4,200 million.

The conference substitute provides budget authority of \$4,200 million and outlays of \$4,200 million. The conference substitute reflects no policy changes from the House Resolution. Amounts in the House Resolution were rounded to the \$4,200 level.

**Function 800: General Government, Fiscal Year 1979***[In millions of dollars]*

	BA	O
House resolution.....	4,253	4,166
Senate resolution.....	4,300	4,200
Conference agreement.....	4,300	4,200

Conference over (+) under (-) House..... +47 +34

The House Resolution provided budget authority of \$4,253 million and outlays of \$4,166 million.

The Senate Resolution provided budget authority of \$4,300 million and outlays of \$4,200 million.

The conference substitute provides budget authority of \$4,300 million and outlays of \$4,200 million, representing rounding to the nearest \$100 million.

**Function 850: General purpose fiscal assistance, fiscal year 1979***[In millions of dollars]*

	BA	O
House resolution.....	8,696	8,822
Senate resolution.....	8,500	8,600
Conference agreement.....	8,650	7,750

Conference over (+) under (-) House..... -46 -70

The House Resolution provided budget authority of \$8,696 million and outlays of \$8,822 million.

The Senate Resolution provided budget authority of \$8,500 million and outlays of \$8,600 million.

The conference substitute provides budget authority of \$8,650 million and outlays of \$8,750 million. The conference substitute reflects a reduction of \$50 million in budget authority and outlays available for some form of countercyclical fiscal assistance. The House assumes \$150 million in budget authority and outlays are available for that purpose.

**Function 980: Interest, fiscal year 1979**  
[In millions of dollars]

	BA	O
House resolution.....	52,429	52,430
Senate resolution.....	52,400	52,400
Conference agreement.....	52,400	52,400
Conference over (+) under (-) House.....	-29	-30

The House Resolution provided budget authority of \$52,429 million and outlays of \$52,430 million.

The Senate Resolution provided budget authority of \$52,400 million and outlays of \$52,400 million.

The conference substitute provides budget authority of \$52,400 million and outlays of \$52,400 million, representing rounding to the nearest \$100 million.

**Function 920: Allowances, Fiscal Year 1979**  
[In millions of dollars]

	BA	O
House resolution.....	699	693
Senate resolution.....	700	700
Conference agreement.....	700	700
Conference over (+) under (-) House.....	1	7

The House Resolution provided budget authority of \$699 million and outlays of \$693 million.

The Senate Resolution provided budget authority of \$700 million and outlays of \$700 million.

The conference substitute provides budget authority of \$700 million and outlays of \$700 million, representing rounding to the nearest \$100 million.

**Function 950: Undistributed Offsetting Receipts, Fiscal Year 1979**  
[In millions of dollars]

	BA	O
House resolution.....	-18,120	-18,120
Senate resolution.....	-18,100	-18,100
Conference agreement.....	-18,100	-18,100
Conference over (+) under (-) House.....	20	20

The House Resolution provided budget authority of -\$18,120 million and outlays of -\$18,120 million.

The Senate Resolution provided budget authority of -\$18,100 million and outlays of -\$18,100 million.

The conference substitute provides budget authority of -\$18,120 million and outlays of -\$18,100 million, representing rounding to the nearest \$100 million.

**Revenues, Fiscal Year 1980**  
[In millions of dollars]

	Revenues
House resolution.....	\$509,000
Senate resolution.....	503,600
Conference agreement.....	509,000
Conference over (+) under (-) House .....	

The House Resolution provided \$509,000 million in revenues through current law and new legislation.

The Senate Resolution provided \$503,600 million in revenues through current law and new legislation.

The conference substitute provides \$509,000 million in revenues, the same as the House level. The conference figure includes the assumption of higher revenues under current law with a higher rate of inflation. New legislation eliminating foreign tax credits for oil companies, establishing an oil spill fund and possibly other sources is assumed to at least offset any revenue losses from new sugar legislation or other tax changes.

**Function 050: National Defense, Fiscal Year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	134,671	123,516
Senate resolution.....	137,800	124,300
Conference agreement.....	136,600	124,200
Conference over (+) under (-) House.....	+1,929	+684

The House Resolution provided for a program level reduction of \$2.5 billion in budget authority and \$0.3 billion in outlays. In addition there were reductions for pay raise absorption, retirement reform and the Fisher amendment.

The Senate Resolution provided for increases in procurement programs which were offset by reductions for pay raise absorption and management efficiencies.

The conference substitute provides \$136.6 billion in budget authority and \$124.2 billion in outlays. This is higher than the House-passed resolution but it represents a reduction of \$1.6 billion in budget authority and \$1.8 billion in outlays below the President's request. It is also \$1.2 billion in budget authority and \$0.1 billion below the Senate position.

**Function 150: International Affairs, Fiscal Year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	12,875	8,108
Senate resolution.....	12,000	7,900
Conference agreement.....	12,600	7,900
Conference over (+) under (-) House.....	-275	-208

The House Resolution provided for the President's level except for a general reduction in foreign assistance of \$699 million in budget authority and \$173 million in outlays plus an increase of \$118 million in budget authority and \$85 million in outlays for refugee assistance.

The Senate Resolution provided for the House level with further reductions in foreign assistance, Food for Peace and Export-

Import Bank programs. The Senate also had a lower estimate for the Foreign Military Sales Trust Fund.

The conference substitute provides for the House position as adjusted for the latest CBO estimate of the Foreign Military Sales Trust Fund (-\$200 million in budget authority and outlays). Conference totals also reflect an unspecified reduction of \$75 million in budget authority and \$8 million in outlays below the House position.

**Function 250: General Science, Space and Technology, Fiscal Year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	5,597	5,447
Senate resolution.....	5,700	5,600
Conference agreement.....	5,700	5,600
Conference over (+) under (-) House.....	+103	+53

The House Resolution provided \$5,597 million in budget authority and \$5,447 million in outlays.

The Senate Resolution provided \$5,700 million in budget authority and \$5,600 million in outlays.

The conference substitute provides \$5,700 million in budget authority and \$5,600 million in outlays. This is \$103 million in budget authority and \$53 million in outlays above the House-passed resolution. The conferees recognize that the fiscal year 1980 budget amendment recently submitted to the Congress may necessitate additional funding above the House assumption for the NASA space program.

**Function 270: Energy, fiscal year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	20,050	7,920
Senate resolution.....	18,400	6,400
Conference agreement.....	18,800	6,800
Conference over (+) under (-) House.....	-1,250	-1,120

The House Resolution provided \$20,050 million in budget authority and \$7,920 million in outlays.

The Senate Resolution provided \$18,400 million in budget authority and \$6,400 million in outlays.

The conference substitute provides \$18,800 million in budget authority and \$6,800 million in outlays. This is \$1,250 million in budget authority and \$1,120 million in outlays below the House Resolution, and \$400 million in budget authority and outlays above the Senate Resolution. The conference agreement assumes funding for energy supply, conservation, and information, policy and regulation programs, sufficient to support the President's budget recommendations. It also assumes a \$1 billion reduction in budget authority for the Strategic Petroleum Reserve on the grounds that the program has experienced delays which render these amounts unnecessary at this time. However, the conferees do not intend that this recommendation alter the goals of the Reserve program, which is an important element of U.S. national energy policy. The House managers will closely monitor this program to ascertain whether this reduction in funding would impair the progress of this important program. Also, the conferees assumed a \$1 billion reduction in outlays for this program on the grounds that as a best estimate it is now likely that the



program would not progress as rapidly as anticipated previous to the Iran situation. There will be an opportunity to review these assumptions prior to the adoption of the Second Budget Resolution.

**Function 300: Natural Resources and Environment, fiscal year 1908**

[In millions of dollars]

	BA	O
House resolution.....	12,725	11,795
Senate resolution.....	12,500	12,600
Conference agreement.....	12,600	11,700
Conference over (+) under (-) House.....	-125	-95

The House Resolution provided \$12,725 million in budget authority and \$11,795 million in outlays.

The Senate Resolution provided \$12,500 million in budget authority and \$12,600 million in outlays.

The conference substitute provides \$12,600 million in budget authority and \$11,700 million in outlays. This is \$125 million in budget authority and \$95 million in outlays below the House-passed Resolution. The conferees agreed to split the difference between the House and Senate total figures for this function.

**Function 350: Agriculture, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	4,907	5,323
Senate resolution.....	5,000	5,400
Conference agreement.....	5,000	5,400
Conference over (+) under (-) House.....	+93	+77

The House Resolution provided \$4,907 million in budget authority and \$5,323 million in outlays.

The Senate Resolution provided \$5,000 million in budget authority and \$5,400 million in outlays.

The conference substitute provides \$5,000 million in budget authority and \$5,400 million in outlays. This is \$93 million in budget authority and \$77 million in outlays above the House-passed resolution. Relative to the House-passed resolution, the conference agreement assumes higher outlay requirements in the short-term export credit program and minimal costs in fiscal year 1980 for an expanded all-risk crop insurance program if enacted.

**Function 370: Commerce and Housing Credit, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	7,527	3,179
Senate resolution.....	6,800	3,200
Conference agreement.....	6,900	3,200
Conference over (+) under (-) House.....	-627	+21

The House Resolution provided budget authority of \$7,527 million and outlays of \$3,179 million.

The Senate Resolution provided budget authority of \$6,800 million and outlays of \$3,200 million.

The conference substitute provides budget authority of \$6,900 million and outlays of \$3,200 million. The substitute provides \$100 million for initiation of the rural home ownership assistance program of the Farmers Home Administration, rather than \$500 million as included in the House resolution.

The substitute also provides for a Federal Financing Bank dividend to the Treasury of \$200 million and for second-year financing of the new National Consumer Cooperative Bank.

**Function 400: Transportation, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	19,622	18,092
Senate resolution.....	18,700	18,200
Conference agreement.....	19,450	18,200
Conference over (+) under (-) House.....	-172	+108

The House Resolution provided budget authority of \$19,622 million and outlays of \$18,092 million.

The Senate Resolution provided budget authority of \$18,700 million and outlays of \$18,200 million.

The conference substitute provides budget authority of \$19,450 million and outlays of \$18,200 million. As in fiscal year 1979, Con-Rail funding is assumed to be provided on an annual, as-needed basis. In general, the funding levels assumed are in agreement with the President's recommendations except that a \$250 million reduction in highway program budget authority is assumed to provide for slower program growth than in the authorizing legislation. In addition, \$150 million is assumed above the President's recommendation for mass transportation operating aid to reflect mass transportation's high priority in light of scarce energy supplies.

**Function 450: Community and Regional Development, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	8,267	7,575
Senate resolution.....	9,000	8,200
Conference agreement.....	8,900	8,100
Conference over (+) under (-) House.....	+633	+525

The House Resolution provided budget authority of \$8,267 million and outlays of \$7,575 million.

The Senate Resolution provided budget authority of \$9,000 million and outlays of \$8,200 million.

The conference substitute provides budget authority of \$8,900 million and outlays of \$8,100 million. The House resolution assumes that the amounts available in the function are sufficient to fund an expanded Urban Development Action Grant program with budget authority at \$275 million and outlays of \$32 million, the same as in the House resolution, expansion of Economic Development Assistance programs by \$500 million in budget authority and \$95 million in outlays, and increased funding for disaster assistance activities at \$498 million in budget authority above the amounts provided in the House resolution.

**Function 500: Education, Training, Employment, and Social Services, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	32,311	31,319
Senate resolution.....	29,100	29,900
Conference agreement.....	30,500	30,500
Conference over (+) under (-) House.....	-1,811	-819

The House Resolution provided budget authority of \$32,311 million and outlays of \$31,319 million.

The Senate Resolution provided budget authority of \$29,100 million and outlays of \$29,900 million.

The conference substitute provides budget authority and outlays of \$30,500 million. The conference substitute provides \$14.7 billion in budget authority and \$14.0 billion in outlays, an increase of \$0.4 billion in budget authority and \$0.6 billion in outlays above the President's budget request. This total provides sufficient funds to accommodate a 14 percent Federal subsidy rate, compared to 12 percent requested by the President, for the Education of the Handicapped State grants program and to enroll an additional 150,000 disabled children. The conference agreement also provides funds to enroll an additional 44,000 children in the Head-start program, a 10 percent increase over the President's budget. The substitute includes funding for about one-third of category B payments of the Impact Aid program, a more modest reform than proposed by the President. The amount provided in the substitute could support up to 600,000 additional vocational education students. Consistent with the President's request, the conference agreement includes funding for the Title I ESEA Concentration Grants Program and reflects full funding of the Basic Opportunity Grants Program in accordance with the Middle-Income Student Assistance Act.

The bulk of the increase in outlays above the President's budget results from more realistic estimates of the Fiscal Year 1980 costs for ongoing education programs.

**EMPLOYMENT AND TRAINING PROGRAMS**

The conference substitute provides \$10.3 billion in budget authority and \$11.2 billion in outlays for employment and training and other Department of Labor programs. These totals provide funding for public service employment which is \$1.3 billion in budget authority and \$0.2 billion in outlays below the President's March 15 budget request. The reductions reflect the conferees' reestimates of FY 1979 carryover funds resulting from the assumption that the enrollment pattern and end-of-year enrollment level in countercyclical public service employment in FY 1979 will be lower than that estimated by the President. The reduction also assumes that the prime sponsors will be permitted to carry out lower levels of funds into FY 1981 than currently permitted by the Department of Labor regulations. As a result of these reestimates, it is assumed that the lower funding level will support 267,000 structural public service jobs and 200,000 countercyclical public service jobs by the end of fiscal year 1980. These are the same end-of-year objectives projected in the President's budget. However, due to the assumptions of enrollment at the start of FY 1980, the conference substitute provides 29,000 fewer average public service jobs than the President's budget.

The conference substitute provides for 875,000 summer youth jobs, an increase of 125,000 jobs over the President's request, but a reduction of 125,000 jobs from the House-passed Resolution.

The conference substitute provides for an increase in jobs programs for the elderly of 5,000 slots over the level anticipated in the President's budget.

**SOCIAL SERVICES**

The conference substitute provides \$5.6 billion in budget authority and \$5.5 billion in outlays for social service programs. These totals represent an increase of \$0.2 billion in budget authority and \$0.15 billion in outlays above the President's budget. The conference substitute provides sufficient funds for a \$3.0 billion ceiling for Title XX Social Services, an increase of \$0.1 billion above the President's budget, expansion of child welfare services consistent with the President's budget, and increases totaling \$125,000 million over the President's request for programs for the elderly in the areas of nutrition, senior centers and volunteer programs.

	President's budget		House passed		Conference agreement		Difference, conference (+) President (-)	
	BA	O	BA	O	BA	O	BA	O
Education programs.....	14,335	13,323	15,196	14,164	14,737	13,966	+402	+643
Employment and training programs.....	11,166	11,527	11,389	11,744	10,289	11,234	-877	-293
Social services programs.....	5,414	5,316	5,880	5,582	5,636	5,471	+222	+155
Across-the-board reduction (Fisher amendment).....			142	-159	-150	-159	-150	-159
Offsetting receipts.....	-12	-12	-12	-12	-12	-12		
Total.....	30,903	30,154	32,311	31,319	30,500	30,500	-403	+346

**Function 550: Health, Fiscal Year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	57,825	53,542
Senate resolution.....	58,100	53,600
Conference agreement.....	58,100	53,600
Conference over (+) under (-) House.....	+275	+58

The House Resolution provided \$57,825 million in budget authority and \$53,542 million in outlays.

The Senate Resolution provided \$58,100 million in budget authority and \$53,600 million in outlays.

The conference substitute provides \$58,100 million in budget authority and \$53,600 million in outlays, the same as the Senate totals.

**Medicare:** The Conference substitute provides funding for the new initiatives in the Medicare program recommended by the Ways and Means Committee. These include improvement in psychiatric benefits for the aged and disabled, liberalized Medicare eligibility for the disabled and improved coverage of home health care, ambulance services and durable medical equipment. The Conference substitute also assumes the enactment of legislation to constrain the increase in hospital costs, transfer the health care costs of the working aged to their employers' health insurance plans, and achieve other efficiencies in the Medicare program.

**Medicaid:** The Conference substitute assumes the enactment of legislation to expand Medicaid coverage to over 2 million poor children not now eligible for the program and to expand the range of covered services for all 11 million Medicaid children. In addition, the substitute would accommodate coverage for about 180,000 low-income preg-

nant women who are not now eligible for the program. The substitute also assumes the enactment of legislation to reduce the incidence of unnecessary surgery and its concomitant costs in physicians' fees and needless hospitalization, as well as other program efficiencies.

**Discretionary Health Programs:** The Conference substitute includes \$268 million in budget authority above the President's budget request for all health programs other than Medicare and Medicaid. The total budget authority could provide for substantial expansion in health service programs such as community and migrant health centers, family planning and immunization programs, and increases above the President's budget request for biomedical research and manpower training programs.

The following table provides a more specific comparison of the President's budget and the Conference substitute, as well as the House-passed Budget Resolution:

FUNCTION 500: HEALTH—COMPARISON OF PRESIDENTS' BUDGET AND FIRST BUDGET RESOLUTION, FISCAL YEAR 1980

	President's budget (Mar. 15, 1979)		House passed, first Budget resolution		Conference agreement, First Budget Resolution		Difference, conference agree- ments/over House passed	
	BA	O	BA	O	BA	O	BA	O
Medicare—Current law.....	35,787	33,824	35,723	33,456	35,745	33,456	-42	-368
Proposed legislation:								
Hospital cost containment.....	29	-1,500		-1,300		-1,300	-29	
Other legislative savings.....	-27	-300		-266		-266	+27	
Benefit improvements.....		56		+156		+156		
Subtotal, Medicare.....	35,789	32,080	35,723	32,046	35,745	32,046	-44	-34
Medicaid—Current law.....	12,617	12,374	12,795	12,552	12,795	12,552	+178	+178
Proposed legislation:								
Hospital cost containment.....	-225	-225	-100	-100	-100	-100	+125	+125
Other legislative savings.....	-95	-95	-138	-138	-138	-138	-43	-43
Benefit improvements.....	+301	+301	+312	+312	+312	+312	+11	+11
Subtotal, Medicaid.....	12,598	12,355	12,869	12,626	12,869	12,626	+271	+271
Discretionary health programs.....	9,232	8,984	9,501	9,155	9,500	9,000	+268	+16
Offsetting receipts.....	-14	-14	-14	-14	-14	-14		
Across-the-board reduction (Fisher amendment).....			-254	-271		-58		+58
Total, health.....	57,605	53,405	57,825	53,542	58,100	53,600	+495	+195

**Function 600: Income Security,  
Fiscal Year 1980**  
[In millions of dollars]

	BA	O
House resolution.....	216,382	182,229
Senate resolution.....	212,400	184,000
Conference agreement.....	214,800	183,300
Conference over (+) under (-) House.....	-1,582	+1,071

The House Resolution provided \$216,382 million in budget authority and \$182,229 million in outlays.

The Senate Resolution provided \$212,400 million in budget authority and \$184,000 million in outlays.

The conference substitute provides budget authority of \$214,800 million and outlays of \$183,300 million which is a decrease of \$1,582 million in budget authority below the House level and an increase of \$1,071 million in outlays above the House.

The major difference in budget authority

is attributable to subsidized housing. The House resolution assumed an increase of \$2.4 billion over the President's request, while the Senate resolution assumed a reduction of \$3.9 billion below the President's request. The conference agreement assumes \$25.9 billion in budget authority, which is a decrease of \$0.7 billion below the President's request. This agreement could result in a reduction of up to 45,000 housing units below the President's request. Depending on decisions which will be made in the appropriations and authorization process, the actual reduction could be less than this amount. The conference agreement does not assume the savings proposed by the Senate Budget Committee from an increase in tenant rent from 25 to 20 percent of tenant income.

The House allocation of the Conference Agreement retains the legislative assumptions included in the House-passed resolution, including \$177 million for liberalizations to the Trade Adjustment Assistance program, increased aid for the aged, continued Federal matching for public assistance costs in Puerto Rico and other overseas jurisdictions, and increased aid for foster care.

The House allocation also retains the House target for legislative savings, which total \$1.1 billion in outlays from reforms to Social Security Disability, Federal employee retirement, the Child Nutrition and the School Lunch programs, and the Food stamp program. Because these targeted savings exceed the reduction to this function proposed in the Fisher Amendment, the conference agreement does not assume unspecified savings. The Fisher Amendment would have assumed unspecified savings of \$950 million in budget authority and \$921 million in outlays.

The House allocation of the conference agreements adds \$600 million in budget authority and \$327 million in outlays to the House estimates because of estimating adjustments which reflect not only re-estimates of programs affected by economic assumptions but also an adjustment to the Social Security program made by the Budget Committees to reflect more recent program data. Attached is a table which provides more detail on the House allocation of the conference agreement.



**Function 700: Veterans Benefits and Services,  
Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	21,207	20,709
Senate resolution.....	21,100	20,500
Conference agreement.....	21,200	20,600
Conference over (+) under (-) House.....	-7	-109

The House Resolution provided \$21,207 million in budget authority and \$20,709 million in outlays.

The Senate Resolution provided \$21,100 million in budget authority and \$20,500 million in outlays.

The conference substitute provides funding for several new program initiatives, including an 8.3 percent cost-of-living increase in veterans compensation. The conference agreement is sufficient to accommodate all

new entitlement authority provided in the House-passed resolution, including increases for vocational rehabilitation, improvements in income security and medical care. Further, the conference substitute provides for general increases in hospital and medical care. The conference agreement also reflects legislative savings in the area of hospital and medical care and unallocated reductions due to the Fisher Amendment, which mandated across-the-board reductions in all functions.

**COMPARISON OF PRESIDENT'S BUDGET AND CONFERENCE AGREEMENT, FISCAL YEAR 1980**

[In millions of dollars]

	President's budget, Mar. 15 revisions		Conference agreement		Conference, over (+); President, under (-)	
	BA	O	BA	O	BA	O
Income security.....	12,151	11,855	12,334	12,007	+183	+152
Education, training, and rehabilitation.....	2,278	2,241	2,268	2,234	-11	-7
Hospital and medical care.....	5,910	5,890	6,059	6,041	+149	+151
Housing.....		-215		-215		
Other.....	635	642	636	641	+1	-1
Across-the-board reduction (Fisher amendment).....			-93	-105	-93	-105
Offsetting receipts.....	-3	-3	-3	-3		
Grand total.....	20,972	20,409	21,200	20,600	+228	+191

Note: Detail may not add to totals due to rounding.

**Function 750: Administration of Justice,  
Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	4,287	4,411
Senate resolution.....	4,200	4,400
Conference agreement.....	4,200	4,400
Conference over (+) under (-) House.....	-87	-11

The House Resolution provided budget authority of \$4,287 million and outlays of \$4,411 million.

The Senate Resolution provided budget authority of \$4,200 million and outlays of \$4,400 million.

The conference substitute provides budget authority of \$4,200 million and outlays of \$4,400 million. The conference substitute reflects a reduction of \$100 million in the amount of budget authority provided in the House resolution for the Law Enforcement Assistance Administration.

**Function 800: General Government, Fiscal  
Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	4,402.6	4,310.6
Senate resolution.....	4,300	4,200
Conference agreement.....	4,400	4,300
Conference over (+) under (-) House.....	-2.6	-10.6

The House Resolution provided budget authority of \$4,402.6 million and outlays of \$4,310.6 million.

The Senate Resolution provided budget authority of \$4,300 million and outlays of \$4,200 million.

The conference substitute provides budget authority of \$4,400 million and outlays of \$4,300 million, representing rounding the House figures to the nearest \$100 million.

**Function 850: General Purpose Fiscal Assistance, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	6,471	6,456
Senate resolution.....	8,500	8,500
Conference agreement.....	8,100	8,100
Conference over (+) under (-) House.....	+1,629	+1,644

The House Resolution provided budget authority of \$6,471 million and outlays of \$6,456 million.

The Senate Resolution provided budget authority of \$8,500 million and outlays of \$8,500 million.

The conference substitute provides budget authority of \$8,100 million and outlays of \$8,100 million. The Senate resolution assumed a continuation of General Revenue Sharing at current levels and no funding for proposed targeted fiscal assistance programs. The House resolution assumed reduction of the States' portion of General Revenue Sharing and provided accommodation for the proposed fiscal assistance program. The conference substitute reflects the possibility that the Congress may consider changes in General Revenue Sharing and may enact new programs of targeted fiscal assistance. The conference substitute does not reflect a precise mathematical anticipation of any particular legislative outcome, since the Congress has yet to consider any new programs or changes in existing law. As a result, the functional totals may need to be adjusted at the time of consideration of the Second Budget Resolution.

**Function 900: Interest, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	56,000	56,000
Senate resolution.....	56,000	56,000
Conference agreement.....	56,000	56,000

Conference over (+)  
under (-) House..... 0 0

The House Resolution provided budget authority of \$56,000 million and outlays of \$56,000 million.

The Senate Resolution provided budget authority of \$56,000 million and outlays of \$56,000 million.

The conference substitute provides budget authority of \$56,000 million and outlays of \$56,000 million. There was no difference between the two houses.

**Function 920: Allowances, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	-246	-269
Senate resolution.....	400	400
Conference agreement.....	-100	-100
Conference over (+) under (-) House.....	+146	+169

The House Resolution provided budget authority of -\$246 million and outlays of -\$269 million.

The Senate Resolution provided budget authority of \$400 million and outlays of \$400 million.

The conference substitute provides budget authority of -\$100 million and outlays of -\$100 million. The principal item of difference between the two houses was the amount of anticipated savings from curtailed travel, transportation, expenditures for supplies and materials, overtime, filmmaking and other audio-visual efforts, and similar administrative items. The substitute resolution strikes a compromise at \$900 million between the House proposal for these items of \$1.1 billion and the Senate figure of \$400 million. The conferees expect that the Appropriations Committees will review all estimates with careful scrutiny to delete unnecessary or wasteful expenditures. The substitute anticipates an average Federal employee pay raise of 5.5 percent in October, 1979, and absorption of 20 percent of the gross costs of such raise. The resolution continues to press for enactment of reform in the system for setting blue-collar wage rates.

**Function 950: Undistributed Offsetting  
Receipts, Fiscal Year 1980**

[In millions of dollars]

	BA	O
House resolution.....	-19,800	-19,800
Senate resolution.....	-19,700	-19,700
Conference agreement.....	-19,700	-19,700
Conference over (+) under (-) House.....	100	100

The House Resolution provided budget authority of -\$19,800 million and outlays of -\$19,800 million.

The Senate Resolution provided budget authority of —\$19,700 million and outlays of —\$19,700 million.

The conference substitute provides budget authority of —\$19,700 million and outlays of —\$19,700 million, incorporating a revised estimate of interest received by trust funds, which is offset in this function to avoid double-counting.

□ 1020

Mr. LATTI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, at the outset, I would like to commend the chairman and the members of the committee for the hard work that they put in during the past several months in bringing this conference report to the place that it is today. I realize many of us are not satisfied with some of the results, but certainly we cannot all be satisfied with every part of a \$532 billion budget.

I would like to point out that this is only a target resolution—a target resolution—something to shoot for.

Come September, we will have before us a resolution that will be final, so maybe we are going to have to accept some of these target figures today with the hope that, as the months unfold, we can adjust then accordingly if circumstances change.

I would like to mention that on Monday the Washington Post carried an article entitled "Austere 1980 Budget Seen as a One-Shot Spending Curb."

The article reported how the liberal Brookings Institution had concluded the President's 1980 budget consisted only of token gestures toward expenditure restraint, and did not represent the start of a genuine shift away from big government.

This criticism seems valid when applied to the congressional budget resolution now before us.

The overall spending level in the budget resolution is identical to that recommended by the President last January, \$532 billion. So for all of the talk about the Congress was going to cut the Carter budget, we can see that nothing of substance has been accomplished. Keep in mind that \$532 billion represents a \$37.5 billion increase, an increase over 1979, for a growth rate of 7.6 percent.

If approved, this means that over the 4 years of the Carter Presidency, spending will have increased by \$166 billion or 45 percent, while the public debt has ballooned to \$887 billion.

In short, this resolution calls for little restraint based on the figures themselves. It does not propose the elimination or phase out of major spending programs, which have outlived their usefulness. On the contrary, it actually puts its blessing on a number of new social welfare programs which have a potential of being big drains on the budget in future years.

For example, the conference report provides room to fund a new low-income, rural home ownership subsidy program, targeted fiscal assistance, and the substitute for the National Development Bank.

Moreover, time after time, the House rejected efforts in conference by the

Senate to reduce funding programs in a variety of areas.

The Senate wanted to phase out CETA title VI public service jobs more rapidly and cut back on the mushrooming Federal subsidies of public low-income housing, yet these moves were resisted by the majority of the House conferees.

While some compromises were made toward the Senate, it seems to me this budget resolution still provides for less spending on national security and more for social welfare programs than the President requested.

As a matter of fact, the level for defense spending was increased over the House figures by \$1.9 billion in budget authority and \$684 million in outlays. This is still below the President's defense request. It does recognize the fact that our defense posture needs bolstering.

In function 500, funds were saved by recognizing the fact that CETA programs will have over \$1 billion in unused budget authority in 1979, which can be carried over and used in 1980 in lieu of appropriating new budget authority.

Finally, the House and Senate agreed to include \$1.8 billion in function 850 general purpose fiscal assistance, for the purpose of continuing the State revenue sharing, should it later be the will of the House.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. LATTI) has expired.

Mr. LATTI. Mr. Speaker, I yield myself 3 additional minutes.

While the budget deficit may appear lower than that proposed by the President, \$23 billion versus \$29 billion, all of that reduction will come at the expense of the taxpayer.

The conference agreed that the tax collections will exceed the President's January estimates by \$6 billion, and, therefore, the deficit has been lowered.

This revenue reestimate is part of an unconscionable policy aimed at eventually balancing the budget, not by reducing spending, but by raising taxes.

Now, let us look at the record in this area just in recent years. Last year, the Budget Committee and the administration underestimated revenues, concealing the additional burden that the budget placed on the American taxpayer.

In considering the first budget resolution for 1979, they told us that without a tax cut the Federal Government would collect \$465 billion in revenues in 1979. After passing a very, very modest tax cut, we were told revenues in 1979 would be \$448 billion.

Yet, by January of this year, the administration had increased its revenue estimate to \$456 billion, and by March had upped the estimate again, this time to \$461 billion.

Now, we are told that the administration has revised its estimates upward for the fourth time and is now predicting 1979 revenues at \$465 billion or exactly the same amount they predicted we would have without a tax cut.

In 1980, according to most estimates, the same scenario of underestimating revenues will most likely unfold. While the Budget Committee now forecasts

1980 revenues at \$509 billion, the administration is privately predicting 1980 revenues of \$512 billion.

I might remind my colleagues that when I presented the minority substitute to this budget resolution several days ago, the minority estimated revenues to be \$514 billion in 1980, without a tax cut.

Even the Carter administration now considers our estimate more accurate than the original estimates of the Budget Committee.

The gist of all of this should be obvious. By approving a budget resolution with a low-revenue figure, we are deceiving ourselves and the American people about the true impact of a "spending" budget on their tax bills.

Legislated increases in social security taxes and unlegislated tax increases which occur when inflation pushes taxpayers into higher brackets will boost revenues in 1980 by approximately \$19 billion.

□ 1030

The SPEAKER pro tempore. The time of the gentleman from Ohio has again expired.

Mr. LATTI. Mr. Speaker, I yield myself an additional 3 minutes.

At a minimum, we should be proposing tax relief in 1980 sufficient to offset this tax increase. The minority's substitute proposed to do just that. It provided for a 1980 tax cut of \$15 billion. The budget resolution before us, however, proposes not a tax cut, but more spending and an unrealistically low revenue estimate.

I would like to register my support for the inclusion of out-year targets in budget resolutions. The long-run impact of our immediate budgetary decisions deserve much more consideration than they have received in the past. I find it somewhat ironic, however, that the majority has failed to specify functional levels for the out-years after having passed a new rule early in the 96th Congress prohibiting aggregates-only amendments. House Republicans objected strongly to this rule because it prevented us from using a two-step approach to budgeting; that is, deciding the total size of the pie before deciding on the size of the various pieces. Now, it appears that the majority is violating the spirit of their own new rule.

I am concerned about the long-run budget policy embodied in the budget resolution before us. We have heard little from the majority of this body concerning the prospect for a balanced budget in 1981. It appears that they seem to be offering us a choice between a balanced budget in 1981 with no tax cut, and a tax cut but another unbalanced budget. I submit to the Members that this is no choice at all. Who can question the need for a tax cut in 1981, if one considers that no such relief will be provided in 1980? The majority's balanced budget option for 1981 would require that revenues reach a record 20.4 percent of GNP. It is not a small wonder that they have quieted their appeals for a balanced budget in 1981.



Our 1980 substitute, on the other hand, would have allowed for a tax cut and a balanced budget in 1981. This is the sort of approach to fiscal policy that this body should be undertaking.

Mr. Speaker, in conclusion, let me point out again that the conference report we will be voting on today merely sets targets, and does not foreclose our opportunity to make adjustments in September.

Mr. GIAIMO. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I take the well to urge a no vote on this resolution. The debt set in this resolution is \$3 billion higher than the one the Members of this House voted for 3 weeks ago, and despite that fact the education, jobs, and human services function in this budget is down by \$1.8 billion below the House figure. It is below the President's figure.

In real dollar terms, function 500, which is for education and job training and most of the human services, is 14 percent lower than last year. The big winners in this conference are revenue sharing, which is up \$1.6 billion over the House figure, and defense, which is up \$1.9 billion. In other words, what happened in the conference was that the Budget Committee gave away \$1.8 billion in social programs in order to finance \$1.9 billion in add-ons for defense. I might point out, so much for the Mitchell transfer amendment.

What we are asking, what all the people who are opposed to this resolution are asking, is that the committee go back to conference and get an even split with the Senate. That is all we are asking. In defense, this conference report is \$1.1 billion below the Senate; \$1.9 billion above the House. In education and training, we are \$1.2 billion above the Senate; \$1.8 billion below the House.

I want to make clear that there is no argument in this bill on CETA. Both the Labor-HEW Committee and the Budget Committee agree that there is a very large carryover on CETA, and there is no problem on that score. But, if we had an even split on these two functions, we would be \$200 million higher in function 500; \$400 million less in defense, and we would be able to reduce the budget by another \$200 million overall.

Now, the letter from the chairman of the committee makes some points. The letter which the Members have received says that the conference agreement on the first budget resolution is a compromise. Everybody accepts that there has to be a compromise, but some compromise this is when the Senate gets two-thirds of what it wanted on revenue sharing and gets well over 50 percent of what it wanted on both defense and function 500, which are the guts of the disagreements between the two Houses.

The chairman says that we continue the pattern of reduced deficits. I point out again that despite the brutal slashes from the House level in function 500, we are still \$3 billion above the deficits we all voted for just a few days ago. The

chairman said here, and he listed a number of areas in education where the Budget Committee was above the President. If the Members listened, those figures added up to almost \$700 million, but if Members look at the total, "You ain't got the room for those \$700 million." They can score up any way the committee chooses, but the facts are that we do not have the room for the dollars, I am sure, because the Fisher cut is undistributed.

The letter the chairman sent out on function 050, or defense, indicated that he had excluded the reduction made in defense by exact prorating the Fisher amendment. We did not do that with any other function. Why should we do it on defense?

Mr. BRODHEAD. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. BRODHEAD. Mr. Speaker, I thank the gentleman for yielding. I think that is an important point. The deficit contained in this conference report is \$2.2 billion higher than the deficit figure that the House voted for. What do we get in exchange for that \$2.2 billion? We get less for the programs that this House voted for and has continually voted for, and more in the defense area, which this House voted on and specifically rejected.

So, I think we are getting more of a deficit and less of the programs this House went on record for.

Mr. OBEY. I agree with the gentleman. Let me just say that if this conference report is such a good deal for education, then why are some 50 organizations across the land against it?

Here is a partial listing of the groups who oppose it:

1. AFL-CIO.
2. UAW.
3. AFSCME.
4. United Steelworkers.
5. International Association of Machinists and Aerospace Workers.
6. U.S. Conference of Mayors.
7. National Association of Counties.
8. NEA.
9. American Federation of Teachers.
10. American Council on Education.
11. Council of the Great City Schools.
12. American Association of Community and Junior Colleges.
13. American Association of State Colleges and Universities.
14. National Association of Independent Colleges and Universities.
15. National Association of State Universities and Land Grant Colleges.
16. National School Board Association.
17. United States Student Association.
18. American Vocational Association.
19. National Association of Secondary School Principals.
20. National Association of Elementary School Principals.
21. American Educational Research Association.
22. American Association of Colleges of Teacher Education.
23. National PTA.
24. Impact Area Schools.
25. Council for Exceptional Children.
26. Association of American Universities.
27. Council on Social Work Education.
28. Council of Chief State School Officers.
29. Congressional Black Caucus.
30. National Urban League.

31. National Urban Coalition.
32. ADA.
33. NOW.
34. League of Women Voters.
35. National Association of Social Workers.
36. National Farmers Union.
37. American Nurses Association.
38. National Mental Health Association.
39. National Council of Community Mental Health Centers.
40. American Association of Dental Schools.
41. American Association of Colleges of Pharmacy.
42. Association for the Advancement of Psychology.
43. American Academy of Physical Medicine and Rehabilitation.
44. American Congress of Rehabilitative Medicine.
45. National Council of Senior Citizens.
46. American Association of Homes for the Aging.
47. American Association of Retired Persons.
48. National Council on Aging.
49. National Caucus of the Black Aged.
50. Executive Committee of the Democratic Study Group.
51. American Association of Dental Schools.
52. Oil Chemical and Atomic Workers.
53. Coalition for a new Foreign and Military Policy.

Those are just a few of the organizations opposed to this bill, and they are not asking for very much. All they are asking is that we get an even split with the Senate. When is the last time Members remember we have not gotten an even split with the Senate on major appropriation or budget bills? I think it is very difficult to remember that time.

□ 1040

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding and want to associate myself with his remarks.

The tragedy of this conference report on the budget is that it perpetuates the same mistake that the President made in his budget and that the House and Senate did in their respective budgets. What we are doing is adding onto the military at a time when we are trying to talk about a strategic arms limitation. We are adding onto the military at a time when both the Soviets and Americans are pursuing a policy of mutual destruction. We are adding onto the military when we talk about developing a neutron bomb which would kill people but not destroy buildings. What we do in these budgets is to guarantee that there is going to be an increase in unemployment.

The President has already said that what we fail to tell the American public is that for every 1 percent of unemployment it costs us something like \$17 billion to \$19 billion a year. Why do we not develop our human capital instead of just the military?

I thank the gentleman for yielding. I urge the Members to vote no on the conference report. It is bad morally, politically, and in every other respect.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. PEPPER. I thank the gentleman for yielding.

Mr. Speaker, I heartily join my distinguished friend, the gentleman from Wisconsin (Mr. OBEY), in his opposition to the adoption of this conference report. This report should be sent back to conference, and our conferees should insist and not agree otherwise. With respect to the poor and the elderly regarding these social service items in the budget, there should be adopted a figure comparable substantially to the provision made for the elderly and the poor by this House only a week ago. We know that in this category the conference report provides \$30,500,000,000. This figure is \$1.7 billion below what this House approved last week. Even more alarming, it is \$2.2 billion below what was actually spent last year. It is \$300 million less than our own Labor-HEW Subcommittee felt would be necessary in 1980.

In addition, this conference report includes \$25.8 billion in budget authority for all subsidized housing programs. That figure is \$3.1 billion below what we approved here on the floor of the House only a week ago. The conference report could mean that 800,000 persons now on the waiting list to participate in the hot meals nutrition program shall be denied that program; 36 percent of the people who occupy substandard housing are elderly people, a deplorable situation which is made worse by this conference report. It could mean other deprivations for the poor and the elderly in this country. It could mean that home care will be even less available and that thousands of persons will have no alternative to costly and unnecessary nursing home care. As the chairman of the House Select Committee on Aging, I urge our conferees not to repudiate the compassion and the concern for these needy elements of our people that this House so graciously and generously expressed only a week ago.

I join with my colleague from Wisconsin (Mr. OBEY), the AFL-CIO, the United Auto Workers, and many organizations representing the elderly including the National Council of Senior Citizens, American Association of Retired Persons, and American Association of Homes for the Aging in criticizing the unconscionably penurious amounts for human service programs in this conference report. I ask that a list of these organizations be printed in the *Record* following my remarks.

This is a cause worth fighting for, Mr. Speaker, and I hope our conferees will have an opportunity when this goes back to conference to fight the kind of a battle that was won on the floor of this House for the elderly and the poor of this country. Surely a nation that is considering a budget of \$532 billion can find within that amount and within its heart enough money and determination to keep aid for the old and poor at adequate levels.

The following groups have agreed to lend their name to the effort to defeat the first budget resolution:

American Federation of Labor-Congress of Industrial Organizations.

United Auto Workers.

National Council of Senior Citizens.

American Association of Retired Persons.

American Association of Homes for the Aging.

National Council on the Aging.

Asociacion Nacional Pro Personas Mayors.

Concerned Seniors for Better Government.

Gerontological Society.

Gray Panthers.

Legal Research and Services for the Elderly.

National Association of Area Agencies on Aging.

National Association of State Units on Aging.

National Senior Citizens Law Center.

National Caucus on the Black Aged.

Western Gerontological Society.

Mr. OBEY. I thank the gentleman. If I can just confirm what he said, the Labor-HEW Appropriations Committee is at least \$100 million below the President's budget—or approximately \$100 million below the President's budget. This budget resolution in those same areas is approximately \$250 million below that. I do not think that is the kind of record we want to have in this House this year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LATTA. Mr. Speaker, I yield 5 additional minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I thank the gentleman very much for yielding time. If I could first yield to the gentleman from Kentucky, I would be happy then to yield to the gentleman.

I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I reluctantly oppose the conference report because of the distinguished chairman of the committee. I know that he feels that he has done a good job; but in this instance I believe that education, labor, and training programs, and programs for the handicapped and the elderly will have to bear too much of the burden of holding down Federal spending. Even though this resolution is only a target, it will be considered by many as the true gospel and the polar star insofar as future decisions are concerned when we are marking up the appropriations bill. And, therefore it is important that this conference report shows our true priorities.

The difference in the conference in education alone is \$448 million. It cuts back impact aid, the handicapped, Head Start, vocational education, and the student assistance programs from the overall levels we approved in the budget resolution as it passed the House. These programs are presently not being properly funded; I do not think they should carry this undue burden and be cut back at this time. If we look at the title I compensatory education program, for instance, we see the basic part of that program remaining stationary. This will mean that we are going to have to lay

off teachers all over this country due to increased energy costs and ever-rising inflation. And today we are only providing services for two-thirds of the eligible disadvantaged children.

I think this conference report should be recommitted. It cuts the training programs drastically, and presently they too are underfunded. If we adopt this conference report, it will be a blow to education and training programs in this country. I think we should send it back to conference.

Mr. OBEY. I thank the gentleman.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois for 30 seconds.

Mr. MICHEL. I thank the gentleman for yielding.

I think it is quite obvious that if there is a serious defect on the Democratic side in support of the conference report, it will go down, if there is not sufficient support over here on the Republican side. Many of our Members over here are wedded to a deficit figure that is far below that which appears in the conference report or even in the bill as passed by the House.

The first question is, If the gentleman from Wisconsin had his "druthers" or his way in going back to conference, what would that ultimate deficit figure be—higher than what it is now?

Mr. OBEY. If I had my way, the deficit would be \$200 million below what it is now.

Mr. MICHEL. How does the gentleman arrive at that figure?

Mr. OBEY. Because I would decrease function 050 by \$400 million and increase function 500 by \$200 million to go along with what the Labor-HEW Subcommittee has provided.

I am going to have to reclaim the balance of my time. I only have 2 minutes left. I reserve the balance of my time, Mr. Speaker.

Mr. GIAIMO. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I rise in support of the conference report and the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

While none of us are entirely in agreement with all the contents and some of the ramifications of the pending report, there are compelling reasons why the conference report should be agreed to. It would be most ill advised to vote down this motion and in effect send the resolution back to conference.

Mr. Speaker, what makes this situation so terrible is that not only the Congress but also the press and various interest groups in recent weeks have acted as though a target was the final action by the Congress. I was on the original study committee on budget control and I was on the first Budget Committee. I was the one that insisted that at the beginning of each session of Congress that all we could have was a target, because certainly we could not fix any final figures before the various committees had hearings.



The principal question before the House now is, are we going to have this budget resolution approved so we can proceed with the business of the Congress, whichever way the Congress will fix it? Keep in mind that what we have here are targets, and whether the Senate has one set of targets and the House has another set of targets, may I say, is immaterial because the House and Senate are going to assure action is taken on appropriations and authorizations, which is where the real legislative work is done. They are going to have in mind whatever they believe in as their target; the House is going to have in mind what it believes in. The prime reason we need to go ahead with this budget resolution and approve it today is under the resolution we cannot consider a single bill providing authority until this is out of the way. This is already over a week late. As the gentleman says, if we pass this or do not pass it, the Senate is going to have its own attitude as it moves into the field of appropriations and authorizations. The House is going to have its own attitude.

We were asked awhile ago by my good friend and colleague why these organizations are for returning this resolution to conference. It is because they think of this as a final confirmed action by the Congress on these programs. It is not. It is nothing but targets at which we shoot.

Insofar as fiscal year 1979 is concerned, that is a different part of the resolution and a different problem. Fiscal year 1979 is where we have the sacrifice on the part of citizens. We have had floods; we have had disasters; we have very critical accounts out of money.

If we hold this up, we are delaying our efforts to meet those needs. I respectfully urge you that, since we have used 8 legislative days and 2 weeks and are running more than a week behind that we approve this conference agreement today. The only real solid effect if we do not approve this resolution will be to hold up the efforts of the Congress to meet the urgent needs right now in this fiscal year.

□ 1050

Not only that but you hold up the whole Congress in considering all the major appropriation bills upon which we have been having hearings and have scheduled full committee meetings next week.

You are simply dealing with targets. The reason so many of these organizations, so many people throughout the country are as upset as they are is because they have taken it that this is a final action when in reality it is certainly not. The actual bills making appropriations are the final word.

May I say again, I hope you will adopt this resolution. It makes no difference one way or the other about what will be done with individual programs but it could cause two huge problems. One, we cannot move ahead with the work of Congress, and two, we cannot give you relief on these emergency supplementals which are pending before us. It is that simple.

Approve this resolution, then stand where you wish to stand wherever it is and it will show up when we get to the real business of the House which is in the authorization and appropriation bills which will follow.

That, Mr. Speaker, is the heart of the question before the House at this time. But in view of the fashion in which this resolution has been considered, I am concerned that this issue has become clouded. Because of this problem, I wish to review in more detail certain aspects of the situation.

First, let me say again there is absolutely nothing binding concerning anything that has been done in regard to fiscal year 1980 in all the tedious and time consuming consideration of this resolution by the two committees, the House and the Senate, or the committee of conference. Every number in this resolution applicable to fiscal year 1980 is nothing but a barnyard target. There are no ceilings or floors associated with any of the figures.

Mr. Speaker, the House is losing sight of the basic objective of the Budget Act. We are letting ourselves become entangled in a meaningless—and I underline “meaningless”—exercise of considering line item programs. This was never the intention of the Budget Act as we have pointed out repeatedly. The objective of the Budget Act is to establish in the first concurrent resolution on the budget overall fiscal policy in terms of broad national priorities—overall revenue and spending targets and broad functional targets within the budget. The resolution was to be based on macroeconomic consideration. Clearly we have strayed from that premise.

Again, I repeat there is nothing binding or mandatory with respect to any figure for any purpose in the first concurrent resolution for any fiscal year. We have already spent ample time, in fact too much time, in considering this budget resolution. And the Congress has done what it is supposed to do. It has produced a conference report representing the general direction a majority feels at this time that the budget should take next year. These figures can be adjusted and will be adjusted in the second concurrent resolution in September. In the interim, the House will have full opportunity to work its will on specific items in the real world of the traditional authorizations and appropriations process. That is how our system works and that is how the Budget Act intended that it work. All Members have had abundant opportunities to express themselves in regard to this measure. Be what it may, this resolution represents the current consensus of what general direction we should probably take with respect to the budget next year. We must now move along with the substantive legislative business which has piled up.

The second point which I have made is that this resolution is already late. Under law this conference report is to be agreed to by May 15. That was a week ago yesterday. We all must carefully consider the dire consequences of not agree-

ing to this conference report today. If this resolution were sent back to conference, there is no prospect that it would be returned to the House any time soon. There seems little chance of considering a further conference report this week. Next week the Senate is not even in session. In my judgment, the earliest time the House may reasonably expect to have a further conference report is around mid-June.

Mr. Speaker, I ask my colleagues to contemplate for a moment the disruptions that would occur in the legislative process if this conference report is not agreed to today. As I indicated, the rules would preclude the consideration of any authorization bill containing any entitlement provision or any feature qualifying as providing spending authority, no matter how small. It would preclude consideration of any revenue bill. It would preclude consideration of any appropriation bill.

I can assure Members that the Appropriations Committee is in a position to act expeditiously on a general supplemental bill which contains some emergency items. I immediately think of the hundreds of millions of dollars in the bill for the critical disaster relief programs. These accounts are out of money—no question about it. Under ordinary circumstances and if the fiscal 1979 ceiling on outlays through no fault of the Appropriations Committee had not been exhausted, we would have produced an emergency appropriation bill long before now for disaster assistance and other urgent items. But we could not do so under the rules and we will not be able to do so unless the House acts favorably on this conference report today. The victims of the recent floods and tornadoes across the country deserve better treatment than to be further jeopardized by the delays that would be caused if we further drag out this budget resolution. It is not justified and it is certainly not necessary.

I would point out further, Mr. Speaker, that Members should also consider the fact that a mountain of authorization bills was reported last week. This was triggered by the May 15 deadline contained in the Budget Act. All these bills will be competing for time on the legislative calendar. And there is not much time.

The leadership plans to start bringing the major appropriation bills to the floor on June 13 precisely in accordance with the plans developed in late January and early February. In the Appropriations Committee we plan to have full committee meetings on 10 of the 13 regular appropriation bills in the next couple of weeks. We begin this process next Wednesday but we cannot proceed to the floor under the rules without this conference report.

Considering all the circumstances, we should not spend more time on this target resolution, inject massive uncertainties into the legislative process, and render a distinct disservice to the innocent victims of floods and tornadoes.

Mr. Speaker, I urge approval of the pending motion offered by the gentleman

from Connecticut who has done a masterful job in handling this resolution.

Mr. LATTA. I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, when this Congress convened in January, fresh from campaign promises of less government for the American people many of us came with high hopes that there would be a real turn-around here, a response to the demand of the American people for less government. Yet this budget resolution today indicates that we have nothing more than slow-motion business as usual. The same old spending patterns, the same old deficit spending, the same old increases in the national debt. Just growth, but not quite so fast. While the rest of the free world is clearly turning to the right, this Congress, based on this first budget resolution, is simply slightly slowing the speed of its journey down a leftward path, a path already hemmed in by big government, high taxes, and the wreckage of government programs that do not work and which bleed the American people of the fruits of their labor.

Some fiscal conservatives may vote for this resolution because it could have been worse. But let us not kid the American people. It also could have been better.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I will be happy to yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I think the fact that we have additional funds in for defense might be the only saving factor in this budget. I agree with the statements made by the gentleman, but I think we must seriously consider the defense addition into the budget which may be our only salvation and our only survival as a nation.

As I have listened to this debate, and the statements that have been made to the effect that social welfare programs have been gutted by the conference committee to swell the defense budget, I cannot help being concerned that we are witnessing government by misinformation.

That is what it is. Misinformation. No one can look at this fiscal year 1980 Federal budget resolution, and the Federal budgets of the past 10 or 20 years, and say that the poor, the needy, the sick, the elderly, the handicapped, and others who receive Federal Government assistance have been neglected or left out of their proper ranking in the budget process.

Human needs have always been first in the Federal budget process. The more than \$250 billion in Federal income transfer programs—including nutrition assistance and food stamps, health care, housing subsidies, cash welfare payments, and so forth—have received high percentage increases every year since the early 1960s.

Our defense situation is not so certain, in terms of proper attention in budget priorities. Defense is always the target of budget cuts. The House Budget Committee took a hefty \$5 billion slice out of the President's defense requests

for the remainder of this year and fiscal year 1980. The conference committee consented to put \$684 million back into the defense budget, which is less than one-seventh of the amount originally cut.

The social programs my friends have spoken of were increased at every step of the way since the President proposed his budget last January. Some individual programs have been cut, but the overall picture is heavily on the social welfare side—more than 76 percent of the total budget is nondefense.

Cash payment to individuals under welfare programs, food stamps, social security, and so forth are more than 44 percent of this proposed fiscal year 1980 budget. These cash payments do not include many other health, housing, nutrition, and other social programs providing for the needs of our people.

What of defense? It comprises slightly more than 23 percent of the total budget. It has decreased by one half its percentage of the budget since before Vietnam.

Unfortunately, the Soviets and its allies are not so stingy with their defense expenditures. True, a lot of their people are starving and live in total slavery. But it is the totalitarian Soviet system that the Kremlin wants to impose upon all the world. And they are building giant nuclear missile systems and intercontinental bombers and modern ships at sea to impose their Communist system on as much of the world as possible.

Do my colleagues here really want to stop our country from meeting that threat? Is a \$684 million increase in defense too much in the budget conference, when this House voted to cut \$3.2 billion in fiscal year 1978 funds and \$2 billion in fiscal year 1979 funds for defense?

That defense money was earmarked for aircraft modernization, U.S. shipbuilding which is woefully behind the Soviets, U.S. support for NATO which is desperately needed to keep Europe secure from the overwhelming buildup in tanks, artillery, and other forces of the Soviet-backed Warsaw Pact.

I believe that the poor, the needy, the disabled, all our people are more than adequately cared for under the nondefense areas of this budget resolution, the human needs portion of the budget.

But our people are not anywhere near adequately cared for under the defense portion of the budget, which has again been sadly, almost irresponsibly, cut so far in this budget process.

Our people's security and survival depends upon our Government's ability to provide adequate military strength in this unstable world. Without such defense forces, to help offset Soviet expansionism worldwide, there will be continued turmoil in Africa, Asia, and the Middle East. There will be more Iran. It will not be long before the turmoil engulfs Latin America and maybe Europe as well, which counts on our defense alliance.

I will vote against this budget resolution. The priorities are wrong, as the earlier critics have stated. But their's is a campaign of misinformation when it says that social programs have suffered

at the hands of defense increase. If anything, it is the other way around.

Federal spending is too high under this resolution. The deficit is too high. All attempts to cut fat social programs and bureaucratic failures in the nondefense area were resisted, so that even the President's modest defense budget was not even funded at the level requested.

If this resolution is defeated, I hope that a better effort will result to cut the real fat out of the nondefense area—the 76 percent portion of the budget—so that at least the defense levels and programs requested by the President can be funded as they should.

I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

Mr. GIAIMO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, there are two basic points dealing with this resolution that should be remembered:

One is the fact that we are dealing with net targets in functional areas. We are trying to establish broad goals in the first resolution based on a number of broad estimates. The figures we have received have varied across the board, particularly with regard to the programs in the CETA area where we have received differing and conflicting estimates, and yet we are trying to set targets based on the best information we have received.

This resolution is not the final target as to what should be spent in the various functions. We are going to be doing that in the second budget resolution.

The second point is that we must try to arrive at some kind of balance in this resolution, between the social needs, the human resource needs and defense needs as well. Indeed, if the test of that balance is whether we are subject to criticism from both sides, then perhaps we may have come very close to the balance which is necessary to the best interests of this country.

The fact is we have protected the basic human resource programs. If you take the human need functional categories of 500, 550, and 600, we are \$1.1 billion above the President's recommendation on budget authority and \$4.5 billion above the President's recommendation in terms of outlays. We have protected the countercyclical program, we have protected the rural home ownership program, we have protected economic development funding, the urban development program, and the basic programs in health and income security.

At the same time, we have moved toward trying to reduce the deficit significantly. We are \$6 billion below what the President recommended and what the Senate approved, at \$23 billion. That is the lowest deficit since 1974. Considering that the deficit was \$66.4 billion in fiscal 1975, I believe we are moving in the right direction.

We also have the opportunity in this resolution to vote for out-year commitments to a balanced budget in 1981 and 1982. I think that is a significant step and the direction in which this country and this House ought to be moving.



In addition, we have protected important legislative savings that need to be incorporated in the budget process.

I strongly urge the House to approve this resolution as the best possible framework in which to develop clear priorities that maintain a balance and a restraint on Government spending.

Mr. LATTI. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, I take the floor to urge that you vote for this budget resolution. I disagree with my colleague from Pennsylvania (Mr. SHUSTER) on this subject. In round numbers we have moved last year from about a \$60 billion deficit to the current fiscal year of somewhere in the neighborhood of \$45 billion deficit. This resolution takes us down to about a \$23 billion deficit. I believe we are going in the right direction. Not fast enough for me, but nevertheless real progress has been made in the last few years.

I voted for the amendment to balance the budget and we lost. I voted for the Republican substitute and we lost. I voted for the Holt-Regula substitute and we lost. I voted for and offered amendments to increase defense and we lost. And so in my view this conference report is certainly not perfect. But it seems to me that the conference committee has come back with a resolution that is the best attainable. Not everybody gets everything they want, but they have come back with a reasonable compromise.

Now the thing that bothers me is that as we as a Nation try to move toward a balanced budget, by reducing the deficits each year somebody is going to get pinched and it is going to get harder and harder to move to zero. As we move down toward that point of balance those who believe in more money for social programs are starting to vote "no" and those who believe in a balanced budget are starting to vote "yes."

The only problem I see in that is that there are always some who will never be satisfied. If we come up with a balanced budget they will say we should have had a surplus and if we come up with a surplus they will say the surplus should have been greater. However, we are moving in the right direction. We are not where I want to be, but I like the trend. I think we owe a debt of gratitude to this conference committee and to the House Committee on the Budget for what it is trying to do. It is not easy on that committee, but they have tried to strike a balance in this conference report. I think we should say, "Well done. You have not done it all, but you have done a lot and we want to support you as you continue in this trend toward a balanced budget."

I would urge all those conservatives and moderates in the House who are concerned about where we are going fiscally to lend their support to this resolution. With the proper encouragement, I believe the budget committee will continue the trend.

Mr. Speaker, it is my opinion that if this resolution is sent back to confer-

ence, it will come back to us with less money for defense, more money for unneeded programs and a larger deficit. In view of this I have no problem supporting the conference report.

□ 1100

Mr. GIAIMO. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, this is not a perfect document. It is not the way I would like it or you would like it, but that is the process. And some of the organizations that are now opposing this document should have been working for the types of Senate conferees they wanted, or House conferees; but right now we have achieved a document that is a reasonable one, all things considered.

I have heard a lot about how we have given in to the Senate. Let us take a look.

Food stamps: We have moved in a solid and right and humanitarian direction.

Rural housing initiative: We got it. The Senate did not have it. We won.

In the area of housing, our distinguished colleague, the Representative from Ohio (Mr. ASHLEY) made an impassioned plea, and despite strong opposition, particularly from one of the Senate conferees, we went up \$2.4 billion and the Senate came down \$1.5 billion, clearly a House victory.

Some ask where are we going to get additional money for function 500 in a conference, take a look at housing. That is where they may move.

It is true we gave in to the Senate on some things. I am glad we did.

Wheat reserves: so that some people who need food in desperate times will have it, we gave in.

EDA: we gave in to the Senate an additional \$600 million.

In the function that is drawing all the heat, function 500, the Senate came up \$1.4 billion. We came down \$1.8 billion; but when we consider the CETA carryover, it seems to me this is a reasonable position that we have taken.

I would remind all of you of the pledge made earlier in this debate by the chairman of the committee (Mr. GIAIMO) that if for some reason by the second budget resolution we do not have enough funds in here for the jobs that we are talking about, he pledges that he will fight for those, and I will join in that fight.

In the area of education, for the handicapped, the President requested \$1.027 billion. In the assumptions that are made now by the conferees on the House side, we are 140 million above the President's figures. The Senate is \$210 million.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. SIMON. Not right now, I will shortly.

On the Head Start program, the President requested \$751 million. The House assumptions were \$75 million above the President's request. The Senate conferees assumed a figure of \$40 million.

I suggest that this is not a backward step in the field of education, with all

due respect to my distinguished chairman (Mr. PERKINS) for whom I have the highest regard. I think it is a balanced approach. I hope my colleagues will approve the conference report.

Mr. LATTI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like to record my opposition to the budget resolution as it has been proposed to us by the gentleman from Connecticut (Mr. GIAIMO).

The budget resolution that we are asked to agree to severely cuts function 500, the function dealing with education, rehabilitation services, and many of our Governments' programs for the elderly. This proposal will cut back on programs that directly affect the daily lives of many Americans in every section of the country.

I know of no one in this Chamber who could stand up and say that he does not favor an austere, tight budget. It goes without saying that I favor such a budget too. This year, for the first time in my memory, and I have had the honor of serving in this Chamber for 21 years, the mark-up of the Labor-HEW part of the budget resulted in a budget that was \$169 million below the President's budget for the Departments of Labor and Health, Education and Welfare. This is an unheard-of event, and it demonstrates beyond all doubt that the Appropriations Committee is not only talking about austerity but is acting upon their concern.

It is possible to take a rational, sane approach to the budget without cutting back on several key programs. I am sure that every Member of the House could ask any constituent whether he or she favored reduced Federal spending, and the answer would unquestionably be "yes." I am much less certain what the response would be if you asked, "Do you favor reduced Federal aid to education?", or "Do you feel the Government should spend less money for aid and rehabilitation of the handicapped?" It is one thing to speak in vague terms about reduced Federal spending; it is quite another to speak about limiting expenditures for specific programs.

Mr. Speaker, during Labor-HEW hearings, we set aside one legislative week, from April 23 to April 27, for outside witnesses, and during that period 32 Democrats and 10 Republicans, in total roughly 10 percent of the House of Representatives, came before our subcommittee. I can assure all of you that none of these Members came before our committee to ask for reduced spending; they came because they were concerned with cuts President Carter had made, and they were urging us to put money back in the budget in various areas.

If the level of funding for function 500 that this budget resolution proposes were accepted, it would mean that serious cuts would have to be made in what is already a very lean budget. Every congressional district would doubtless lose some Federal aid to education. Our commitment to the handicapped, which many people already judge to be low, would have to be reduced still further.

And most importantly, our elderly, the people who are least able to cope with the problems and hardships caused by inflation, will face the prospect of a Federal budget that is woefully inadequate to meeting their most basic needs. Acceptance of this budget resolution signifies a virtual rejection of any increase in funding of programs for the elderly; at the least it precludes any meaningful increase. I personally feel a very strong commitment to try to provide more money for the highly successful elderly nutrition programs. These are programs which serve both the social and nutritional needs of our senior citizens. When these people come to me or write to me and state their need for Federal help, I am ashamed that the Government is not doing more for them already.

I can assure all the Members of the House that the Labor-HEW Appropriations Subcommittee has done its job of holding the controllable part of this budget down to a very low level indeed. The House can fulfill both its desire to check the growth of Federal spending and its responsibility to provide adequate Federal support of key programs if it adheres to the Labor-HEW bill which Chairman NATCHER and others have worked hard to prepare. The House does not need to set for itself uncomfortably severe budgetary guidelines within which it must work, and for this reason I urge rejection of this budget resolution.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I thank the gentleman for yielding.

I simply want to join the gentleman in his remarks and say that during the work in the House on this budget I supported the Budget Committee on most of its measures; but I think the priorities got very mixed up in conference.

I certainly am going to vote against this and I join the gentleman in his remarks.

Mr. GIAIMO. Mr. Speaker, I yield one minute to the gentleman from Florida (Mr. NELSON).

Mr. NELSON. Mr. Speaker, I urge my colleagues to approve this budget resolution. We have heard a lot of statistics here how function 500 has been gutted, but the truth is otherwise. In fact, in outlays this year in fiscal year 1980 over fiscal year 1979 we are up in outlays by \$1.5 billion.

We are up \$162 million in the social services.

These kinds of rumors that are going throughout this hall and over there in the offices just have to be put in the proper perspective of the truth. We have pointed out that compared to the President's budget in educational programs, we are \$402 million over.

Now, the gentleman from Wisconsin (Mr. OBEY) read off a list of organizations that are opposed to this conference report. The fact is that he also said they were opposed to the President's recommendations. Well, that is what is going to happen when people try to draw an

austere budget. The fact is I think we have the best allocation of resources here.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I rise in opposition to the conference report for several reasons. The most important is that the report proposes to move toward a balanced budget by sharply raising tax rates, and what is just as bad, increases unemployment as a strategy for combatting inflation.

The conference report projects that this resolution would increase unemployment by even more than the resolution which originally passed the House. The House Budget Committee estimated that the original resolution would increase unemployment from what was then 5.7 percent to 6.4 percent this year, and keep unemployment at 6.2 percent through 1980.

Under this resolution, the conference report says the unemployment rate will go up from 5.8 percent right now to 6.5 percent next year. In other words, it proposes to put nearly 1 million Americans out of their jobs by hiking the cost of creating and holding those jobs.

Now, one basic assumption behind this budget resolution is that slowing down the economy and raising unemployment is the answer to inflation. This defies commonsense. Never in history has curtailing the production of goods reduced their price. We cannot pay for defense, social programs, and everything that the people of this country want for themselves and their families, if our people are not employed in producing those goods and services, and are not earning the incomes which form the tax base for paying for those goods and services. Our national well-being cannot be served with a budget resolution that drastically raises tax rates and deliberately increases unemployment as an alleged anti-inflation policy.

Another assumption behind this budget resolution is that the Federal Government can succeed in raising tax rates year after year by refusing to adjust them for inflation, and expect to turn a budget surplus in 1981. Only then, we are told, can tax rate adjustment be considered.

I won't trouble the consciences of those who have made their peace with permitting a deliberate increase in unemployment as a budgetary expedient. I will merely point out that it won't work. The evidence is in this resolution. For each 1 percent increase in unemployment, the deficit widens by about \$20 billion in lost revenues and higher countercyclical spending.

In the conference report, function 600, income security outlays, is anticipated to rise another \$1.1 billion over the House version, because of worse unemployment and higher inflation—even with a \$3.1 billion cut in housing subsidies. This really means that the budgetary cost of sending the economy down the tubes is \$4.2 billion in this one function alone.

The story is the same in function 500, education, training, employment and social services, which is supposed to be cut

further. I believe that we could in fact cut this category if the unemployment rate was kept stable or further reduced. With 1 million more people employed, we could phase out the countercyclical jobs program more quickly in fiscal years 1979 and 1980. But with the number of unemployed workers shooting up by 1 million, this does not seem like a very realistic forecast.

Leonard Silk, the respected New York Times economic writer, outlined in the Times this morning the widely held view that the next recession is already upon us. Our political leaders here in Washington not only welcome it, but are actively cultivating it. Silk writes,

The good news, to rewrite Herbert Hoover, is that recession is just around the corner.

He outlines the mounting evidence: Industrial production down by 1 full percent in April. Housing starts down, thanks to the administration's active efforts, from 2 million in 1978 to a rate of 1.6 million. The Commerce Department has revised its estimate of the GNP's real growth rate in the first quarter of this year—downward—to 0.4 percent. Almost zero. The index of leading indicators has fallen 3 months in a row.

Well, that is just terrific. Here we sit, proposing to put 1 million more people out of work next year. Everyone who has been rooting for recession can relax. It is here. You can even help it along. Does anybody still believe that a recession is a cure for inflation? If so, they can vote for this budget resolution, because this is the tried and tested policy that has led two recent administrations, one Democrat and one Republican, to trigger or deepen recessions in attempts to balance the budget by raising tax rates. It did not work in the fiscal 1969 budget, and it did not work in the fiscal 1974 budget, because each time the attempt to reduce the deficit with tax increases was blown away by a recession. Revenues dropped, while necessary spending increased.

It is not even a question any more of whether it is fair to try to balance the budget by raising tax rates. The point is, it is not possible. Leonard Silk's mention of Herbert Hoover is apt. Faced with a budget deficit in a recession caused by a massive tariff increase, Hoover tried to balance the budget by also doubling income tax rates. The recession deepened into the Great Depression.

I have a stake in this because of my home State of New York and my home area of Buffalo stand to get hurt hardest and longest from another recession. We have not even dug out from under the last one. We have an essentially depleted unemployment insurance fund. The unemployment rate in our biggest city, New York City, is still up around 8 percent. Yet New York City will lose 50,000 jobs under this budget strategy. The last thing New York needs is more taxes, of which New York will pay more than its share, and more unemployment, from which New York will suffer more than the rest.

But it is not just New York. Every State, every district, stands to lose. Every one of my colleagues who votes for this budget resolution without some major adjustment and cut in tax rates, is help-



ing to put some 2,000 people in his or her district out of their jobs by next year.

If that is what we want to do, if that is what whipping inflation really means, then we have a very good opportunity today to test yet again the repeatedly disproven theory that the way to control inflation is to increase tax rates on work and production and deliberately increase unemployment.

I do not believe it is an answer. I do not think the American people believe it is an answer, either—especially not, those who stand to lose their jobs. I urge my colleagues to vote against this report and send it back to conference with a recommendation for some permanent reduction in tax rates to prevent unemployment from increasing, and to encourage more saving, investment, and production.

□ 1110

Mr. GIAIMO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, my friend, the gentleman from Wisconsin (Mr. OBEY), listed a number of organizations which think we have cut education too much.

Yesterday I got a call from the head of the Connecticut Department of Education for Vocational Ed. He was calling me, the chairman of the committee responsible for bringing forth this resolution and getting it adopted, and he was urging me to vote against my own resolution. He also said he dislikes the cut in vocational education, which we did not cut.

But this is the kind of propaganda that is coming out.

Let us talk about function 500, education and training, CETA jobs. Not one word has been mentioned about that. We went down \$450 million from the House position, still leaving us above the President in education. The President was at \$14.3 billion, and we compromised out at \$14.7 billion.

Some of us in this House ought to listen to what the people back home are saying about how we are supposed to try to get some control over Federal spending. We did not cut education and training programs. We are over the President's budget and we are above last year's budget. But we did not stay as high as the figure in the House resolution by \$450 million.

Why not? There is the argument revolving about the BEOG program. The question is how we could fully fund BEOG with \$200 million less. The answer is because of a difference in estimates. The Senate and the administration estimated \$2.4 million, and we in the House were at \$2.6 million. We were persuaded we can do the job with \$2.4 million and fully fund the program. So we are down \$200 million.

The same is true with education for the handicapped. We are \$140 million over the President, who assumed that a 12-percent subsidy is sufficient. The House had gone to 15-percent subsidy. We compromised out with the other body at 14 percent.

We are dealing with estimates made in good faith which are very close to one another. We do the best we can in estimating and keeping our eye on the total dollars, hoping the appropriating com-

mittees and those responsible for recommendations will narrow down these differences.

The same is true with vocational education. The same is true with impact aid. The \$450 million cut will not injure the educational programs, in my judgment. What some are unhappy about is that we did take a serious, drastic cut in job training programs in CETA.

We did that because the chairman of the Committee on Appropriations of the Senate, who is also a member of the Budget Committee, was in the conference and stressed very strongly, as our own chairman of the Committee on Appropriations knows, that there is a lot of "float" in that program. He said it is as high as \$1 billion. I believe it is somewhere between \$600 million and \$800 million.

The suggestion is that by more prudent management of the carry-over money, we can fully fund those jobs for title 6 at a 200,000 job level by using up some of those carry-over moneys from fiscal year 1979 to fiscal year 1980.

But this has aggravated people who want us to continue in the CETA program at the same old level. It is not going to happen, and we all know it.

Mr. Speaker, let me talk about the defense figure which the Committee on the Budget recommended to this House and which we defended on the floor of this House for 9 days. We split the budget authority with the Senate right down the middle, and we went up \$100 million in outlays, and the Senate came down \$100 million in outlays. That is a compromise.

However, the pro rata cut as a result of the Fisher amendment, which further reduces defense below the House Budget Committee recommendation by \$600 million, makes it appear that we got a disproportionate share of the so-called split.

They tried to cut defense in the Committee on the Budget by \$1 billion. My friend, the gentleman from Wisconsin, tried to cut it, and we voted down that amendment. We cannot just call for an additional \$600 million reduction in defense, not when we are faced with adopting a SALT treaty and with many other things which the administration stresses are important.

I submit that we have not done injury to education. I submit that much of the difference is merely in estimating differences. The rest will be resolved by the appropriating committees as the appropriation's bills go through the House and the Senate and come to conference. Further, in the second budget resolution we can adjust whatever differences there may be.

Mr. Speaker, I submit that this conference report should be adopted.

The SPEAKER pro tempore. The Chair advises that the gentleman from Ohio (Mr. LATTA) has 3½ minutes remaining, the gentleman from Connecticut (Mr. GIAIMO) has 1 minute remaining, and 1 minute has been previously reserved by the gentleman from Wisconsin (Mr. OBEY).

The Chair recognizes the gentleman from (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield 2

minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I certainly share the concerns expressed earlier by my distinguished colleague, the gentleman from New York (Mr. KEMP), about the economic premise on which this budget conference report comes before us.

This is, of course, the first step in the annual budget process, and while I have never before and may not today vote for a budget conference report, because I am very strongly opposed to the deficits which are inherent in this budget resolution, I do think we ought to consider the consequences of its defeat.

If indeed this conference report goes back to conference, I cannot see any alternative except perhaps a substantial reduction in defense spending, which many of us are very concerned about, and also an increase in a number of other programs which, however much they may be supported by our liberal colleagues, are of questionable value and in many instances probably ought to be eliminated.

That having been said, I think we ought to consider that it is not our responsibility, as I see it as one minority member, to pass this resolution. We have consistently called for a balanced budget. Those of us who voted for a balanced budget amendment, as offered by the gentleman from California (Mr. ROUSSELOT), can certainly find much at fault in this conference report. But those of us who are strongly concerned about a conservative approach to the economy and the need to implement it at the executive level, as well as in the congressional budget—ought to consider the alternatives.

All I am saying is that we ought to take a very hard look at the alternatives if we defeat this conference report and what a new conference report would do to the overall budget priorities.

Mr. Speaker, I thank the gentleman for yielding me this time.

● Mr. SOLOMON. Mr. Speaker, as you know, on May 8 the House overwhelmingly approved the Solomon-Holtzman amendment to the budget resolution, increasing revenue by \$1.2 billion which is derived by eliminating the foreign oil tax credit. I am happy to see that my amendment is included in this final budget resolution.

The key substantive issue is whether a petroleum company's payment to a foreign country for the right to extract petroleum is a royalty or an income tax payment. If it is a royalty, then the company can deduct the amount as an ordinary and necessary business expense. On the other hand, if it is considered a tax payment, the benefit to the company is much greater, since it can claim a credit against U.S. taxes.

The foreign income tax credit was added to the tax code to avoid the inequities and disincentives to foreign investment that would result if U.S. taxpayers were required to pay taxes in two jurisdictions. While this system is fine in principle, it is open to abuse by foreign governments who manipulate their tax system principally to all U.S. com-

panies operating within their boundaries to pay less income tax.

Almost 30 years ago, after consultation with U.S. oil and tax experts, Saudi Arabia, which did not possess an income tax system, decided to levy an "income tax" on Aramco (the sole producer in Saudi Arabia) in lieu of increasing its royalty for oil extraction. When the IRS agreed to this arrangement in 1955, Aramco's U.S. taxes immediately dropped from \$50 million to \$6 million, and Saudi Arabia's revenue increased from \$66 million in "royalties" to \$110 million in "income taxes." Other oil producing countries soon adopted similar arrangements.

These taxes simply cannot be considered income taxes by U.S. standards. They are not based on "net income" as determined by actual receipts from the sale of oil, but on artificial "posted" prices which bear no relation to profits. They are not income taxes. They are excise taxes, and should be treated as such.

The impact on U.S. revenues has been substantial—about \$15 billion since the IRS first allowed this tax treatment, and about \$7 billion since 1974. However, the impact has been even greater than that simple loss to the Treasury. The result has been to increase our reliance on foreign sources of oil and to provide a disincentive to domestic oil production.

Any company will invest its capital in those areas where it can achieve the highest rate of after-tax return. The tax treatment of foreign oil operations has resulted in increased foreign production at the expense of the domestic production we so badly need. In addition, these credits place solely domestic producers at a competitive disadvantage vis-a-vis the multinationals, since the latter are granted credits for what are really normal business expenses which are not available to domestic producers.

Unless we act to make foreign oil operations less attractive, we will continue this multi-billion-dollar loss to the Treasury and continue the diversion of funds from domestic to foreign operations which simply increase our reliance on foreign sources of oil and add to our balance-of-payments deficit, which is draining the country of its working capital and severely devaluing the American dollar, causing unbearable inflation. Today, I will be introducing legislation which will implement that amendment.

The enactment of this legislation will:

First. Reduce the aftertax profits of multinational oil companies on their foreign operations thereby making it more attractive to invest in domestic oil production and increased refinery capacity;

Second. Increase Federal revenues thereby reducing the Federal deficit and reducing inflation caused by deficit spending;

Third. Substantially reduce our balance-of-trade deficit, thereby strengthening the American dollar, reducing inflation and decreasing the flow of American dollars overseas; and

Fourth. Through substantially increased domestic oil production, place the United States in a favorable com-

petitive position with Mexico and the OPEC countries, thereby reducing the need for importing oil and significantly reducing the ability of these countries to demand higher and higher prices for their product.

Since my amendment was overwhelmingly approved by this House and was agreed to by the conferees, I would hope that my implementing legislation would be favorably acted upon as expeditiously as possible.●

● Mr. STOKES. Mr. Speaker, for the second time in the past 2 weeks I find myself in the awkward position of being a member of the Democratic Party and considering a Democratic budget resolution which, quite frankly, does not embody the kinds of priorities a Democratic Congress should have. As a member of the Budget Committee I did vote to report the first concurrent budget resolution out of committee with the hope that through the process of offering amendments we would have the opportunity to make the resolution reflective of the kinds of priorities a Democratic Congress should have.

After weighing each and every economic, social, and political factor, my judgment was that I could not vote for House Concurrent Resolution 107 on final passage.

In what turned out to be a protracted amendment process, I supported many amendments which would have maintained and improved the delivery of basic human services to the less advantaged citizens of this country. Many of these same amendments would also have contributed to the fiscal integrity of this country by reducing the deficit, dampening inflation, and providing gainful employment. However, very few of these amendments passed. Instead, even deeper cuts were made. I could not join in this abandonment of our democratic principles and the people who support and need our party. I could not share in the disenfranchisement of millions of Americans by denying them jobs, housing, medical care, food and hope when we have adequate resources.

The recommendations of the conference committee have continued the trend of substituting budget austerity for budget integrity, and beefing up the American defense of Western Europe while our economy languishes in the throes of high unemployment, low growth in productivity, and high inflation. The conference recommendations present nothing for me to support; while some of the figures have been changed from the House resolution, the net effect in 1980 and the out-years will be essentially the same. Those in fixed incomes and the elderly will feel the bite of continued inflation, minorities will bear the brunt of unemployment, and everyone will pay some social or economic cost during the coming economic slowdown which will almost certainly not be in the form of a "soft landing."

I am concerned that 1980 may signal a departure from the kinds of economic policies which grew out of the Employment Act of 1946. The act proclaims that:

It is in the continuing policy and responsibility of the Federal government to

use all practicable means . . . to promote maximum employment, production and purchasing power.

Through the creative use of Keynesian policies, the Government came to be the employer of last resort when the private sector was unable to generate sufficient effective demand or employment. This year, we are fine-tuning a recession by choking off demand, raising interest rates and throwing people out of work. By the end of the year, the unemployment rate will have risen from the current 5.8 percent to well over 6.5 percent, while inflation will have subsided only slightly, if at all. However, since job programs have been cut, there will be no employer of last resort. These people will be unemployed until we reach the other side of the cycle, and nobody knows when that will be.

The \$3.4 billion reduction in budget authority for human needs functions recommended by the conference committee will have an impact far beyond fiscal 1980. Human progress is a continuing process, and one stage of development depends on the completion of the one preceding it. By interrupting the flow of resources to the less advantaged for even 1 year we are denying them a critical building block. Foregone income means that economic and educational opportunities for millions of families will be lost. Foregone nutrition indicates greater health maintenance costs and unrealized mental and physical capacities. Collectively, it means that we will be wasting our most precious resource—our people, our human capital—while at the same time we will have to maintain them at the margin of economic society by paying a number of social costs in the marketplace and to Government through taxes.

My judgment about this first concurrent resolution is based on the broad economic view, rather than the narrow view which considers only inflation and taxes. Some Members of this Congress support this narrow view, which they perceive as a response to the wishes of the people of this country. In my opinion an elected official has the responsibility to give leadership to his people. I will only support a budget resolution which provides the leadership and wherewithal to attain our objectives of economic growth, full employment and price stability.●

● Mr. HARRIS. Mr. Speaker, on May 10, 1979, I voted in favor of the first concurrent resolution on the budget for fiscal year 1980 as reported by the House Budget Committee. Although I felt it constituted a step in the right direction toward economic stability, I also publicly stated that the Congress could have gone even further in providing relief to the beleaguered American taxpayer.

Today, however, I have voted against the resolution as reported by the budget conference because it constitutes a regressive step from the minor progress the House made on May 10. Although the purpose of a House-Senate conference is to work out a compromise between similar bills passed by both Houses of Congress, I feel that the American people deserve more than a compromise. The people of this Nation, because of double-



digit inflation, have had to compromise their lifestyles too much already. It is not fair to ask them to sacrifice further when we ignore tax loopholes for large corporations and fuel inflation by excessive deficit spending. In fact, the most irresponsible action taken by the budget conference was increasing the House-passed version of the deficit by \$2.136 billion.

The House had made a modest step toward tax reform by calling for the repeal of the foreign tax credit for oil companies. The conferees, however, completely deleted this provision, which was adopted by a 355-to-66 vote in the House. This is not a "compromise"—this is a sell-out to big oil.

Another measure that compels me to vote against this report is the cutting of \$1.8 billion for education, training, employment and social services programs from the House-passed version. The budget passed on May 10 asked the administrators of these programs to trim their fat and tighten their belts. The conference report asks them to face the possibility of malnutrition.

I cannot support a budget that ignores the ravages of inflation, turns its back on tax reform and increases the deficit by unacceptable amounts.●

● Mr. FRENZEL. Mr. Speaker, I was a conferee on this resolution, but I did not sign the conference report. The House spending was too high so I voted against our resolution. The conference version is also too high.

I supported the Latta amendment in the House. Had it passed, spending next year could have been reduced another \$7 or \$8 billion and we would then be on a path from which a balanced budget next year would be achievable.

There have been improvements this year. Our rate of increased spending is down somewhat from our usual high flying style. I am thankful, of course, for even these small favors.

The amount of \$533 billion is just too much spending. The fact that the conferees approved that sum is evidence that Congress still has been unable to get a firm grasp on its budget process. The process has been fun and instructive, but it has not yet inspired enough congressional fiscal responsibility.

Because of my strong conviction that there is too much spending in this resolution, I would like to vote against it and would normally expect to do so. But, in the last few days, it has been attacked from the left by Members who would spend even more. I will certainly have to do whatever is possible to prevent adding covering funds. Particularly in such discredited areas as CETA.

I would prefer to vote against this resolution, but it may be necessary to support it to preserve the tiny progress we have made.●

● Mr. DODD. Mr. Speaker, today the House will consider the conference report on the first concurrent budget resolution. I will oppose passage of the conference report, as I will vote against any legislation that is as obviously inequitable and undemocratic as is this compromise agreement.

Inflation rose at an annual rate of 8.7 percent in the first quarter of this year.

Energy prices continue to increase steadily, and the Federal Reserve may consider another interest rate hike to further tighten our money supply. It is only a matter of time before we enter into a recessionary period characterized by high unemployment and minimal economic growth. In light of our current economic prospects, it would be irresponsible to accept the conference report's cut of \$1.8 billion from the House's \$32.3 billion budget for educational, training, employment, and social services programs, while \$1.9 billion is added to the House-approved defense budget of \$134.7 billion.

Where are Congress priorities? What is more important in our democracy: American citizens or munitions stockpiles? The people who would be hurt the most by these kinds of cuts are those who can least afford the burden of our country's economic stagnation. These people are my constituents. They are low-income, elderly, handicapped, and unemployed individuals who can hardly make ends meet.

The conference report represents a \$2.2 billion reduction from fiscal year 1979 authorizations, or a 7-percent cut over last year's Labor-HEW budget. But these figures mean little until they are linked with the people they will affect adversely, the people in this country who most need the Government's help. The programs that would be cut are essential ones, providing jobs for people, education, rehabilitation, and training services to allow the poor and disadvantaged to enter the workplace.

In my own State of Connecticut, a 7-percent decrease in funding over fiscal year 1979 levels for education, employment, training, and social services will have a devastating effect on programs for the elderly, handicapped, and low-income families. Last year, Connecticut received \$6.7 million under the Older Americans Act. These funds were relegated for elderly employment services, senior centers, and the elderly nutrition program.

In 1978, approximately 3.2 million meals were served to senior citizens across the State, and if this program were to be cut back, according to last year's figures, over 200,000 meals would be lost. I cannot and will not vote for a measure that so unfairly treats people who have served our Nation so well.

Congress has been concerned of late with maintaining an austere budget and holding our own against an escalation of Soviet arms, but we seem to have forgotten that the strength of our country lies not so much in our arsenal of weapons but in the well-being of our people.●

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the fact is that we are \$1.9 billion in defense above the House bill and we are \$1.8 billion below the House bill in education and training.

There have been all kinds of allegations about the CETA carryover, we grant that, and there have been allegations about what this would do to repair the damage done to the budget.

Function 500 is 14 percent in real dol-

lar terms below last year, and I do not think the people want that kind of a bill. We want to go back to conference so we can cut defense by \$400 million, to begin with, and so that we can restore to function 500 this \$200 million to reduce the deficit that we have right now.

The gentleman from Connecticut (Mr. GIAIMO) says he does not think we should count the prorata defense function under the resolution, although it is higher. We count it for every other function.

Mr. Speaker, I ask the Members to just give us a half-and-half split with the Senate and we will be as happy as clams. That is all we are asking for.

Mr. LATTI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard a lot of figures being used here today. I accept the figures of the gentleman from Connecticut (Mr. GIAIMO) as he stated them.

I am here to say that I will vote for a conference report on a budget resolution for the first time. The reason, I fear the alternatives which might be forthcoming from another conference.

A fight was made in conference for the defense figures in this report. I support those figures as I am very much concerned about the defenses of this country. Some people opposing these figures would probably oppose them regardless of their size or the need. Sometimes I wonder whether or not they want to defend our country with a rowboat and pop gun. I am not prepared to permit further deterioration of our Nation's defenses.

Mr. Speaker, I think the figures in this report are balanced and are as good as we can get. Fearing for the alternatives, I urge my colleagues to support this conference report remembering that it is only a target—rather than a final—resolution for fiscal year 1980.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GIAIMO) is recognized for 1 remaining minute.

Mr. GIAIMO. Mr. Speaker, this conference report is a balanced effort to arrive at spending targets. We have not done violence to the educational function.

□ 1120

There is \$800 million in "float" in that function, mainly for the CETA program. That will have to be adjusted. I suspect that program will be adjusted downward when the appropriation bill comes to the floor. There is a great deal of unhappiness because of that. I have explained the issues in the education and training function, where we are over the President. The defense settlement was a reasonable one. The pro rata figure applied to the budget resolution in the waning minutes of House consideration by the Fisher amendment cut defense by an additional \$600 million. But the gentleman from Virginia (Mr. FISHER) himself has told me his purpose was to try to reduce \$2.5 billion in spending from the budget totals and we could allocate the cut among the functions as best we could.

Mr. Speaker, I urge the adoption of the motion, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 144, nays 260, not voting 30, as follows:

[Roll No. 164]

YEAS—144

Alexander	Frenzel	Mollohan
Andrews, N.C.	Frost	Montgomery
Annunzio	Fuqua	Moorhead, Pa.
Ashley	Gephardt	Murphy, N.Y.
Badham	Giaimo	Murtha
Barnard	Gibbons	Natcher
Beard, Tenn.	Ginn	Neal
Bellenson	Gore	Nelson
Bennett	Gradison	Nichols
Bevill	Gramm	O'Brien
Blanchard	Gudger	Panetta
Bolling	Hagedorn	Patterson
Bonker	Hall, Tex.	Pickle
Bouquard	Hance	Preyer
Bowen	Hanley	Price
Brademas	Hefner	Quillen
Brown, Calif.	Hightower	Regula
Burgener	Hinson	Rhodes
Burlison	Holt	Roberts
Butler	Hutto	Robinson
Byron	Hyde	Rostenkowski
Carter	Ichord	Satterfield
Chappell	Jenkins	Shelby
Coelho	Jenrette	Simon
Conable	Johnson, Calif.	Skelton
Corman	Jones, N.C.	Slack
Cotter	Jones, Okla.	Smith, Iowa
D'Amours	Jones, Tenn.	Solarz
Daniel, Dan	Kogovsek	Spence
Daniel, R. W.	LaFalce	Stanton
Danielson	Latta	Steed
de la Garza	Leach, La.	Stenholm
Derrick	Lehman	Stump
Devine	Lent	Synnar
Dickinson	Levitass	Ullman
Dougherty	Lloyd	Van Deerlin
Duncan, Oreg.	Loeffler	Watkins
Edwards, Ala.	Long, La.	White
Emery	Long, Md.	Whitehurst
English	Lott	Whitley
Erlenborn	McCloskey	Whitten
Evans, Ga.	McEwen	Wilson, Bob
Fary	McKay	Wilson, C. H.
Fazio	Mathis	Wilson, Tex.
Fish	Matsui	Wirth
Foley	Mattox	Wright
Fountain	Mazzoli	Young, Fla.
Fowler	Mineta	Zablocki

NAYS—260

Addabbo	Bonior	Daschle
Akaka	Breaux	Davis, Mich.
Albosta	Brinkley	Davis, S.C.
Ambro	Brodhead	Deckard
Anderson,	Broomfield	Dellums
Calif.	Broyhill	Derwinski
Anderson, Ill.	Buchanan	Dicks
Andrews,	Burton, John	Dingell
N. Dak.	Burton, Phillip	Dixon
Anthony	Campbell	Dodd
Applegate	Carney	Donnelly
Archer	Carr	Dornan
Ashbrook	Cavanaugh	Downey
Aspin	Cheney	Drinan
Atkinson	Chisholm	Early
AuCoin	Clausen	Eckhardt
Bafalis	Clay	Edgar
Bailey	Cleveland	Edwards, Calif.
Barnes	Clinger	Edwards, Okla.
Bauman	Coleman	Erdahl
Beard, R.I.	Collins, Ill.	Ertel
Bedell	Collins, Tex.	Evans, Del.
Benjamin	Conte	Evans, Ind.
Bereuter	Conyers	Fenwick
Bethune	Corcoran	Ferraro
Bingham	Coughlin	Findley
Boggs	Courter	Fisher
Boland	Crane, Daniel	Pithan
Boner	Dannemeyer	Flood

Florio	McClary	Rousselot
Ford, Mich.	McCormack	Roybal
Ford, Tenn.	McDade	Royer
Garcia	McDonald	Rudd
Gaydos	McHugh	Runnels
Gillman	McKinney	Russo
Gingrich	Madigan	Sabo
Glickman	Maguire	Santini
Goldwater	Markay	Sawyer
Gonzalez	Marlenee	Scheuer
Goodling	Marriott	Schroeder
Grassley	Martin	Schulze
Gray	Mavroules	Sebelius
Green	Mica	Seiberling
Grisham	Michel	Sensenbrenner
Guarini	Mikulski	Shannon
Guyer	Mikva	Sharp
Hall, Ohio	Miller, Calif.	Shumway
Hamilton	Miller, Ohio	Shuster
Hammer-	Minish	Smith, Nebr.
schmidt	Mitchell, Md.	Snowe
Harkin	Mitchell, N.Y.	Snyder
Harris	Moakley	Solomon
Hawkins	Moffett	Spellman
Heckler	Moore	St Germain
Heftel	Moorhead,	Stack
Hillis	Calif.	Stangeland
Holland	Mottl	Stark
Hollenbeck	Murphy, Ill.	Stewart
Holtzman	Murphy, Pa.	Stockman
Hopkins	Myers, Ind.	Stokes
Horton	Myers, Pa.	Studds
Howard	Nedzi	Swift
Huckaby	Nolan	Tauke
Hughes	Nowak	Thomas
Ireland	Oakar	Treen
Jacobs	Oberstar	Udall
Jeffords	Obey	Vander Jagt
Jeffries	Ottlinger	Vanik
Johnson, Colo.	Pashayan	Vento
Kastenmeier	Patten	Volkmer
Kazen	Paul	Walgren
Kelly	Pease	Walker
Kemp	Pepper	Wampler
Kildee	Perkins	Waxman
Klindness	Peyser	Weaver
Kostmayer	Pritchard	Weiss
Kramer	Pursell	Whittaker
Lagomarsino	Quayle	Williams, Mont.
Leach, Iowa	Rallsback	Williams, Ohio
Lederer	Rangel	Winn
Lee	Ratchford	Wolf
Leland	Reuss	Wolpe
Lewis	Richmond	Wyder
Livingston	Rinaldo	Wyllie
Lowry	Rodino	Yates
Lujan	Roe	Yatron
Luken	Rose	Young, Mo.
Lungren	Rosenthal	Zeferetti

NOT VOTING—30

Abdnor	Forsythe	Roth
Baldus	Hansen	Staggers
Blaggi	Harsha	Stratton
Brooks	Hubbard	Symms
Brown, Ohio	Leath, Tex.	Taylor
Crane, Phillip	Lundine	Thompson
Diggs	Marks	Traxler
Duncan, Tenn.	Petri	Tribble
Fascell	Rahall	Wyatt
Flippo	Ritter	Young, Alaska

□ 1130

The Clerk announced the following pairs:

On this vote:  
Mr. Brooks for, with Mr. Baldus against.  
Mr. Staggers for, with Mr. Leath of Texas against.  
Mr. Lundine for, with Mr. Rahall against.  
Mr. Thompson for, with Mr. Abdnor against.

Until further notice:

Mr. Blaggi with Mr. Brown of Ohio.  
Mr. Diggs with Mr. Harsha.  
Mr. Hubbard with Mr. Symms.  
Mr. Marks with Mr. Taylor.  
Mr. Traxler with Mr. Forsythe.  
Mr. Fascell with Mr. Petri.  
Mr. Flippo with Mr. Ritter.  
Mr. Philip M. Crane with Mr. Hansen.  
Mr. Duncan of Tennessee with Mr. Tribble.  
Mr. Young of Alaska with Mr. Roth.  
Mr. Stratton with Mr. Wyatt.

Mr. QUILLEN and Mr. ERLÉNBOEN changed their vote from "nay" to "yea."  
Messrs. ASPIN, ASHBROOK, FITHIAN, SEBELIUS, ERDAHL, MARTIN, ARCHER, CARNEY, CAMPBELL, and

GOODLING changed their vote from "yea" to "nay."

So the motion was rejected.  
The result of the vote was announced as above recorded.

□ 1140

MOTION OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GIAIMO moves that the House insist upon its disagreement to the Senate amendment and request a further conference with the Senate thereon.

The motion was agreed to.

APPOINTMENT OF CONFEREES ON HOUSE  
CONCURRENT RESOLUTION 107

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: MESSRS. GIAIMO, ASHLEY, OBEY, SIMON, MINETA, JONES of Oklahoma, SOLARZ, BRODHEAD, WIRTH, PANNETTA, GEPHARDT, LATTI, CONABLE, Mrs. HOLT, MESSRS. REGULA, SHUSTER, and FRENZEL.

There was no objection.

#### CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. RALLSBACK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the bill that we take up today, H.R. 10, has very strong bipartisan support. It has the support of the House Judiciary Committee. It was reported out by that committee this year by a vote of 26 to 2. I want to thank the chairman and the number of people who contributed to it. It is similar to a bill (H.R. 9400) which passed the House, I might say overwhelmingly, last year by a vote of 254 to 69.

Unfortunately, last year the Judiciary Committee of the other body approved the bill, but in the waning moments of last year's session was unable to pass the comparable bill in the other body. Consequently, we have had to reprocess this bill again this year. It is a proposal to



safeguard the constitutional rights of persons institutionalized in public institutions throughout this country, whether they be handicapped, prisoners, mentally retarded or impaired, the elderly, juveniles, the chronically ill; all such persons who have lost some of the freedom the rest of us share, and too often are abused.

This particular bill, I might add, Mr. Chairman, has the support of not only the administration, the Attorney General, the President, and others, but has the support of such institutions as the American Bar Association, the National Mental Health Association, the National Association for Retarded Citizens, the Epilepsy Foundation of America, the United Cerebral Palsy Association, the National Senior Citizens Law Center, the American Civil Liberties Union, the American Association of Retired Persons, the National Council of Senior Citizens, the Childrens Defense Fund, the National Coalition for Childrens Justice, and scores of local, county, and statewide organizations too numerous to mention who are concerned about the plight of citizens in institutions throughout the country.

□ 1150

As far as the prior history of this bill is concerned, the House in adopting the bill overwhelmingly last year did agree to an amendment which the committee had not included, namely, to put the prisoners in a separate category. Notwithstanding my own reservations about the wisdom of that, and notwithstanding, I might also add, the position of the Department of Justice on the matter, the committee did substantially include the amendment of the gentleman from Pennsylvania (Mr. ERTEL) as amended by the amendment of the gentleman from Illinois (Mr. RAILSBACK) in the bill so that prisoners will only be protected insofar as their constitutional rights are concerned. We preserve that because it was clearly the indicated will of the House, and we have insisted on that, notwithstanding the feelings of some who feel that some of the worst abuses in the country happen to prisoners and we ought to afford them full access through the Attorney General under this bill. I think it is clear that we have attempted to make the bill a reasonable bill, recognizing the interests of State institutions. What we have attempted to do is to provide a procedure to bring some order out of chaos where presently as Members well know, litigation is brought which sometimes has resulted in a situation where a district judge, at least in Alabama and elsewhere, has had to intervene personally and take charge of institutions to mandate certain courses of action. We, perhaps, are neglectful of our duty with respect to responding to some procedural structure whereby these rights might be vindicated, and we have only now through this bill attempted to bring some sort of order.

In addition to providing the initial right of the Attorney General to bring these suits where there is a pattern or practice and where grievous harm may be inflicted on inmates, in so doing we have placed a series of burdens on the Attorney General so that State officials,

whether they be the Governor of the State, the attorney general of the State, the director of State institutions or whoever, may be fully aware and apprised of the situation and whereby a resolution of the problem can be had without resort to trials and the imposition of court orders, and the like, on State and local institutions.

In this regard, even though I assume there may be perhaps one or two organizations still opposing the bill, we did bring a great deal of language from the State Association of Attorneys General into it so that the attorneys general, Governors, and others may be duly notified and may be consulted by the Attorney General and so that the complaint can be rectified without some of the problems that exist today.

Mr. Chairman, this is not a money bill. This does not bring money into the system to rectify these harms. It is a procedural bill. In the next fiscal year—and I will offer an amendment to delay the effective date until October 1, 1979—we contemplate that this bill will cost \$81,000 for the additional 3 more personnel in the Department of Justice. The Department of Justice does not intend to be, will not be empowered, and will not be in a position to pursue suits willy-nilly throughout the country.

It will be required to target the most egregious cases in America and follow the procedures which we have herein provided. The result is that there will not be a buildup in personnel in the Department of Justice, and this will not be affecting perhaps as many cases as opponents might think. It will serve, however, as a model, and the State and local institutions will be on notice that there is a national commitment, and this is the muscle, the ultimate muscle, to implement the national commitment to insure that people in institutions are not abused, brutalized, and dehumanized.

Mr. Chairman, I urgently request support for the bill, and I hope that the several amendments that may be offered will be resisted.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, I rise to congratulate and completely support the chairman in this very important legislation which I have cosponsored, and which I believe is very necessary for us to pass.

Mr. Chairman, as a member of the Judiciary Committee and a cosponsor of this bill, I want to add my voice of support for H.R. 10, protecting the rights of institutionalized persons. The House passed similar legislation in the previous Congress, only to see it die of inaction in the Senate. I am pleased that the House again is acting on this important legislation, and I urge its speedy enactment by the other body.

Many thousands of our fellow citizens—including many of our neighbors—have relatives or friends among the thousands in every community who are confined at one time or another to an institution. Juvenile facilities, nursing homes, correctional units or pretrial detention centers, and mental health hos-

pitals all exist to serve important societal functions, but they must accomplish their missions in a way which deprives no American of the basic rights and privileges accorded and protected in the Constitution. While protecting these rights presents special challenges in an institutional setting, a citizen's rights are no less important because he or she is in a nursing home or mental health facility.

The legislation which our committee brings to the floor for your consideration today would not enlarge or otherwise affect existing law regarding the conduct of institutions. Rather, it gives standing for the United States, through the Attorney General, to bring civil actions to redress systematic deprivations of the rights of institutionalized persons.

The bill would enable the Attorney General to set minimum standards for the protection of these rights, and it includes safeguards against hasty or frivolous actions in this act by requiring: First, a 30-day notice period during which the Governor or chief executive officer is aware of problems and is informed of possible remedial steps available; second, a certification by the Attorney General that a reasonable time to make corrective steps has passed; and third, a finding by the Attorney General that conditions existing in a covered institution cause an individual to suffer serious harm or loss of rights protected by the Constitution.

Again, I would stress, this bill does not create or expand the rights of any citizen. Rather, it protects the rights which all Americans are entitled to enjoy.

#### UNWARRANTED FEARS

A portion of the debate on this bill will once again be devoted to the question of exempting those who are in jails, prisons, or other correctional facilities from coverage under the act. In my own State of Virginia, some State officials have objected to the bill, largely on the grounds that so many State resources now are involved in defending the State against prisoner complaints under section 1983 of the Civil Rights Act. Indeed, there are many complaints from inmates, as well one might expect in a State so slow to make reforms in aging penal facilities.

The eastern district court in Virginia led all jurisdictions in the Nation in the number of section 1983 suits filed, (833), and the western district ranked third in the Nation. However, the standards established in this act are required to be developed in consultation with prison employees as well as inmates; the bill further requires that existing State grievance procedures be exhausted before a person could bring a complaint to the Attorney General. These two provisions, establishing minimum standards and utilizing State grievance procedures, could actually reduce the proportion of cases in district court involving prisoner complaints. I point out that the proportion in my section of Virginia is currently 25 percent.

Mr. KASTENMEIER. Mr. Chairman, I thank the gentleman for his statement.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I want to commend the gentleman in the well, the distinguished gentleman from Wisconsin (Mr. KASTENMEIER), for his perseverance in this very important bill.

Mr. Chairman, I rise in support of this modest but important measure. As a cosponsor of the bill and a former member of the subcommittee from which it came, I am especially pleased to add my voice to the chorus of support H.R. 10 enjoys. This legislation seeks simply to give the Attorney General the authority to commence litigation, after complying with a number of procedural safeguards which the bill enumerates, to remedy unlawful conditions in certain institutions. Recent decisions in the Federal courts have cast doubt upon the "standing" of the United States to bring such suits. This legislation is intended to clarify any ambiguity which may exist regarding that authority.

It should be noted that the Supreme Court has, for many years, upheld the "standing" of the United States to initiate certain suits without express statutory authority. The Court has recognized that conduct of a specified nature, whether arising from public or private sources, may be so detrimental to the interests of the United States that the sovereign should be allowed to seek judicial relief even though no statute explicitly provides for such suits. In the last century, when a labor strike threatened to prevent the movement of the U.S. mails, the Government sued to enjoin the obstruction. The Supreme Court sustained the authority of the United States to seek that relief without a specific statute in the *Debs* case.

In more recent times, the Court has reaffirmed that line of decisions. The Court has upheld the standing of the United States to bring civil suits without express statutory authorization in at least cases where Congress has imposed criminal sanctions arguably covering the same conduct. In *Wyandotte Transportation Co.,* against United States, for example, the Court permitted the Government to institute a civil action based on a criminal statute to remove an obstruction in the Mississippi River.

The High Court approved the same theory of standing in the *New York Times* case, where the United States unsuccessfully sought to prevent the publication of the Pentagon papers. These precedents would appear applicable to civil actions brought by the Government involving deprivations of certain Federal constitutional and statutory rights of institutionalized persons to the extent Congress has made such conduct arguably a criminal offense, such as under sections 241 and 242 of title 18.

Despite these precedents, the lower Federal courts have not been as receptive to such suits as the Supreme Court. Thus, the United States has had mixed success in bringing suits to remedy the illegal conditions imposed in institutionalized persons. Where the Government has participated, however, it has been an effective advocate of the rights of those persons confined to or residing in such facilities and institutions.

In the *Gary W.* case, which is discussed in the committee report, the Attorney General intervened on the side of the plaintiff, who represented a class of dependent children sent to out-of-state institutions by Louisiana. The Justice Department investigation disclosed that these institutionalized children were "physically abused, handcuffed, beaten, chained, tied up, kept in cages, and overdressed with psychotropic medication."

In the approximately 40 cases in which the United States has participated, similarly appalling conditions were uncovered. These institutional violations of Federal law were not confined to any one geographic area of the country, nor any single type of institution. The Department of Justice has found unlawful conditions of confinement and residence in many different States in varied institutional settings: Prisons, juvenile facilities, and mental hospitals.

I invite each Member of the House to examine carefully those pages of the committee report which document the abuses to which institutionalized children and adults have been subjected in facilities across the Nation. If these persons had an effective voice in our Federal Government, their cry of distress would have been heeded many years ago. Coming late as we do to this terrible problem, we should not pause in approving H.R. 10 which would give some measure of relief to persons subject to these awful conditions.

Undoubtedly there are some Members who harbor constitutional reservations about this bill. The committee carefully examined the assertions of invalidity and determined that no serious challenge can be made to H.R. 10. I will not repeat here what the committee said in its report at pages 7-9. In sum, the authority to grant the United States standing to initiate litigation to secure the rights of institutionalized persons rests at least on four grants of power: Section 5 of the 14th amendment, the commerce clause, the spending power, and the necessary and proper clause. Because most cases arising under this bill will involve violations of the 14th amendment, the committee focused its attention on the authority given by section 5.

From *Ex-parte Virginia* in 1879 to *Fitzpatrick* against *Bitzer* in 1976, the Supreme Court has consistently interpreted section 5 to permit Congress the broadest scope of authority to secure the rights, privileges, and immunities protected by the 14th amendment. What constitutes "appropriate legislation" within the meaning of section 5 is left exclusively to the judgment of the Congress. Only if the exercise of power intrudes into an exclusive domain of State authority will the statute be declared unconstitutional. Since H.R. 10 does not so intrude, putting aside its essential, procedural nature, its constitutionality is beyond peradventure.

It should be kept in mind that H.R. 10 authorizes the Attorney General to bring suits to correct a "pattern or practice" or violations of Federal statutory or constitutional proscriptions. Whatever constitutional reservations one might have, if the bill allowed Government suits to remedy mere isolated or accidental il-

legalities, should be dissipated when the pattern or practice nature of the litigation is considered. Such violations injure the United States itself, apart from any injury it may inflict upon institutionalized persons. Surely Congress may authorize the Government to sue to remedy conduct which causes injury to the sovereign.

The subcommittee which reported this bill and on which I had the privilege to serve, has been deeply interested in the area of corrections. When I first joined the subcommittee one of my first activities was to visit a number of State and Federal prisons throughout the Nation. Section 4 of H.R. 10 provides for the development of minimum standards for grievance resolution systems within correctional institutions. Adoption of the minimum standards by the States is entirely voluntary.

Department of Justice-assisted litigation challenging conditions of confinement in prisons and jails revealed that conditions in correctional facilities across the Nation were worse than those in mental institutions. As far back as 1967 the President's Crime Commission urged the establishment of grievance procedures in penal institutions "to provide a channel for the expression and equitable settlement of inmates grievances." The same recommendations have been made by the National Advisory Commission on Criminal Justice Standards and Goals, the American Correctional Association, and the National Council on Crime and Delinquency to name but a few.

In 1977, the Center for Community Justice, sponsored by a LEAA grant, undertook a study of prison grievance mechanisms. The study noted that the reason most cited in the general literature for the obvious interest of administrators in having grievance mechanisms is a desire to avoid violence and litigation. Underlying most major prison riots, are festering, unanswered grievances.

An effective grievance mechanism is not a panacea and will not end violent behavior in prisons, but it can provide for a steady flow of information on grievable matters to administrators, enabling them to understand and anticipate problems and provide solutions or explanations for the lack of solutions to the inmates. The American Correctional Association in its report, "Riots and Disturbances in Correctional Institutions," observed that "prompt and positive handling of inmates complaints and grievances is essential in maintaining good morale. A firm 'no' answer can be as effective as granting his request, in reducing an individual inmates tensions, particularly if he feels his problem has been given genuine consideration by appropriate officials and if given reasons for the denial."

The minimum standards proposed in this legislation address the concerns of the American Correctional Association and the Center for Community Justice study. They are modeled on the California Youth Authority system which has been in operation since 1973. The standards provide for an advisory role



for employees and inmates in the formulation, implementation, and operation of the grievance mechanism; specific time limits for replies to grievances; priority processing of grievances of an emergency nature; safeguards to avoid reprisals and independent review of the disposition of the grievance.

Section 4 of H.R. 10 also authorizes a Federal court in which an adult prisoner's suit filed under 42 U.S.C. 1983 is pending, to continue that action for a period not to exceed 90 days if the prisoner has access to a grievance resolution system which is in substantial compliance with the minimum standards promulgated under this legislation. Such limited continuance would be for the purpose of requiring exhaustion of the approved grievance resolution system.

As a safeguard to the prisoner, the legislation specifically requires the court to find that such action would be "appropriate and in the interest of justice." The court could not require continuance in those 1983 petitions which raise issues that could not be resolved through the grievance mechanism. Section 4 of H.R. 10 is intended to serve the dual purpose of encouraging the establishment of grievance mechanisms in State correctional systems and of relieving the Federal courts of some of the burden of 1983 prisoner petitions.

This bill is an important contribution to the advancement of the constitutional and statutory rights of institutionalized persons. It is an extension of the authority of the Attorney General to bring suit in other areas of civil and constitutional rights. In the past Congress has authorized the United States to commence litigation in the areas of housing, voting, employment, public facilities, and other subjects. In addition we have given the Attorney General the right to sue for violations of antitrust, organized crime, environmental protection, and consumer credit laws. H.R. 10 is perfectly consistent with what we have done previously. No Member should have difficulty supporting this measure and I urge each of my colleagues to approve it.

Mr. KASTENMEIER. Mr. Chairman, I want to compliment the gentleman from Massachusetts (Mr. DRINAN) for his contribution. Last year when he was a member of the subcommittee, together with the gentleman from Pennsylvania (Mr. ERTEL) and the gentleman from Virginia (Mr. BUTLER), whose efforts are reflected in the bill as well as in some modest amendments agreed to this year.

Mr. RAILSBACK. Mr. Chairman, I yield myself so much time as I may consume.

Mr. Chairman, I rise in support of H.R. 10. I want to endorse what the chairman of our subcommittee has said. In addition, this legislation enjoys strong Republican support. Nine of the 11 Republicans on the Judiciary Committee voted favorably to report this legislation to the floor. Similar legislation was originally submitted by the Ford administration.

Mr. Chairman, I would like to make a couple of additional points if I may.

First, H.R. 10 will not create a whole new panoply of rights for these people.

It creates no new rights for anyone nor would it substantially change existing practice of the Department of Justice. We have been assured that the Department will use this authority sparingly. For years the Department has been intervening, often times at the request of the courts, in cases against certain State officials for the conditions of their institutions. Over the last 10 years the Department has been involved as intervenor in about 40 such cases, and initiated 2 to 3. One difference, however, is that the Department has been involved in these suits, until recently, with much broader authority than they have under H.R. 10, and no one has suggested that they have gone crazy, suing State officials all over the country.

Second, H.R. 10 codifies a notice procedure, which was nonexistent prior to the *Solomon* case, and clarifies the Department's authority. The bill requires State action: There must be a pattern or practice of violations which causes these people to suffer grievous harm and deprives them of any rights, privileges or immunities secured by our Constitution; it must be a case of general public importance; and there must be notice and a period of negotiation with the State.

Third, Lest you think that there has not been a demonstrated need for this legislation, here are just a few of the authenticated cases.

In the *Morales* against Turman (a case begun in 1973 with appeals finally decided in 1977) challenging conditions in Texas' five juvenile detention facilities, the Justice Department was ordered by the court to appear as litigating amicus. After a year of discovery and 6 weeks of trial, the court determined that the staff was engaging in a "widespread practice of beating, slapping, kicking, and otherwise physically abusing juvenile inmates." Brutality was found to be "a regular occurrence \* \* \* encouraged by those in authority." Juveniles were tear-gassed. Selected youth were confined in cells lacking "the minimum bedding necessary for comfortable and healthful sleep," while others were denied regular access to bathroom facilities. Some were placed in homosexual dormitories as a form of punishment.

In the case of Wyatt against Stickney in 1971, the record revealed that Alabama's mental hospitals were severely overcrowded and understaffed. Retarded persons were tied to their beds at night in the absence of sufficient staff to care for them. One participant was regularly confined in a straitjacket for 9 years, as a result of which she lost the use of both arms. The State ranked 50th in the Nation in per patient expenditures and the less than 50 cents per patient per day spent on food expenditures resulted in a diet "coming closer to punishment by starvation than nutrition."

The conditions documented in Wyatt were not unique to Alabama facilities. In a suit challenging the adequacy of care at New York's Willowbrook State School for the Mentally Retarded, the trial record revealed equally appalling conditions. Participating as litigating amicus, the Department assisted plaintiffs in

producing evidence of massive overdrugging of retarded children by staff, and physical abuse of weaker residents by stronger ones. In the absence of adequate supervision, children suffered broken teeth, loss of an eye, and loss of part of an ear bitten off by another resident. In an 8-month period, the 5,000 resident facility reported over 1,300 incidents of injury, patient assault, or patient fights. Unsanitary conditions led to 100 percent of the residents contracting hepatitis within 6 months of their admission. The trial court characterized conditions at Willowbrook as "shocking," "inhumane," and "hazardous to the health, safety, and sanity of the residents."

In a case decided in December 1977 by the court in the eastern district of Pennsylvania concerning the Pennhurst State School and Hospital, a large residential institution for the mentally retarded, the court found that physical restraints are used excessively because of staff shortages, and that these restraints are potentially physically harmful and have, in fact, caused injuries and at least one death. Dangerous psychotropic drugs are often used for control of patients and for the convenience of staff rather than for treatment or rehabilitative purposes. The side effects of such drugs, besides general lethargy, include hypersensitivity to sunlight, inability to maintain balance, and a gum condition marked by inflammation, bleeding, and increased growth.

The court concluded that this large, isolated institution which had been in use since 1908 was an inappropriate and inadequate facility for the habilitation of retarded persons when judged in light of the presently accepted professional standards of care. I think it is significant to note the court's finding that although the State legislature had in November 1970, appropriated \$21 million for the purpose of planning, designing, and constructing community-based facilities which would enable 900 Pennhurst residents to be transferred to a more appropriate environment, 7 years later only 37 residents had directly benefited from the legislation. Equally significant is the court's finding that such community-based facilities are, in the long run, less expensive to operate than large facilities such as Pennhurst. This case is presently on appeal before the third circuit.

I could go on, Mr. Chairman. The problems are well documented. There are serious problems which are very real to those people and families involved. To the most imaginative, many institutions in this country are no more than human warehouses. They warehouse the young, the old, the feeble-minded, the sick. We are talking about approximately 1 million persons who reside in these institutions. They are the most vulnerable people in our society. I can assure you that there are very few lobbyists waiting to see you on this legislation. You can also be assured that there are very few votes to be gained by supporting it, but I can assure you that this bill is a good faith, modest effort to try and help these people obtain some decent, humane treatment, and living conditions.

□ 1200

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I would be happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I would like to take this time to commend the gentleman from Illinois (Mr. RAILSBACK). He is largely responsible for inclusion of section 4 in its present form. He participated notably in the other parts of the bill, and his concern, his long-held concern, for juveniles in this country is reflected, also, I might add, in this bill.

Mr. RAILSBACK. Mr. Chairman, I thank the gentleman very much.

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I rise to lend my unwavering support for the measure before us today. The very essence of H.R. 10, a bill which authorizes the U.S. Attorney General to initiate civil actions to protect the rights of institutionalized persons and to encourage the development of grievance mechanisms in correctional facilities, is that it addresses the issue of humanity and justice.

The underlying philosophy of the human rights concept points to a commitment of our conscious effort to strive for the application of fairness and equity. The concern for human rights and the application of fairness and justice is supposedly pertinent to all citizens. Therefore, at no point should the particular status of an individual preclude his or her rights as a citizen.

It is paramount that we address the fundamental question of this issue: Is the person less of a citizen because he or she may be one who is institutionalized in special facilities; that is, for the mentally ill, handicapped, incarcerated, youth awaiting trial, or nursing home patient? Assuming that the answer to this question is overwhelmingly negative, I submit that we should not have any reservations regarding the passage and subsequent enactment of H.R. 10.

The Civil Rights of Institutionalized Persons, H.R. 10, grants the Attorney General the authority to bring suit in Federal district courts only if he has reasonable cause to believe that persons residing in one of the aforementioned institutions are subject to conditions which cause them to suffer grievous harm and deprivations of rights, privileges or immunities secured or protected by the Constitution or laws of the United States, and that such deprivations are part of a pattern or practice. Suits on behalf of inmates of jails, prisons or other correctional facilities may be brought only to secure rights protected by the Constitution. Our support for this measure should be a firm reflection of our commitment to the elimination of a double-standard with regard to the application of fairness, justice, and equity.

Many of us may not lend our support to H.R. 10 because its provisions apply to coverage for inmates of jails, prisons, and other correctional facilities. This is particularly disturbing to me. For whatever reason, some fail, either consciously or unconsciously, to recognize the frequency with which incarcerated persons must live within an inhumane environment and under severe economic constraints.

At the same time, some may applaud the existing rights of institutionalized persons to initiate private suits to redress violations of their constitutional rights as more than adequate—particularly as they relate to the incarcerated. I submit that any attempts to exclude the incarcerated from the provisions of H.R. 10 reek of the mentality that our Nation's prisoners should be continually forced to live under a system which fosters the existence of humiliation, denial, subservency, and frustration within the confines of many penal institutions. I sincerely hope that the Members of this body reject any such attempts.

I do not think that there is one Member of this body who will deny his or her dedication and commitment to the principle of fairness and equity. Still further, not one of us wants to see a different set of criteria utilized for the administration of justice to the handicapped, mentally or chronically ill, youth, or nursing home patients. I am not going to assume that all of us feel this way about the incarcerated. That, notwithstanding, the passage of H.R. 10 is crucial to the legal, as well as the human rights of institutionalized persons. I am urging that you give this measure your support, and more importantly, your vote.

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I would like to associate myself with the passage of this measure. It is a much better bill than was presented last year. The very able, dedicated leadership of both the chairman of the Committee on the Judiciary and the chairman of the subcommittee has been of utmost importance and great value to producing a bill, today, that I think this body should approve.

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise in support of H.R. 10, which was reported favorably by the Committee on the Judiciary by the overwhelming vote of 26 to 2.

This legislation is a significant step in the Nation's effort to protect rights guaranteed under the Constitution and laws of the United States to a particularly vulnerable and inarticulate group who are institutionalized—children, the elderly, mentally impaired and chronically ill persons, and prisoners.

The main purpose of this legislation is to grant a clear right of "standing" to the Attorney General to initiate a civil

action to remedy conditions of institutionalized persons when State action is systematically depriving these persons of their basic rights. The case must be considered a matter of "general public importance."

I have received numerous letters of support for this and similar legislation over the past 3 years. These letters have been sent by a wide variety of supporters: Families and friends of institutionalized persons, staff at institutions, mental health and retardation organizations, the American Bar Association, the American Civil Liberties Union, public officials, and many other persons and groups. Attorney General Bell and his predecessor, Attorney General Levi, have both endorsed this legislation, and in fact have requested it.

The Secretary of the Department of Health, Education, and Welfare—the Honorable Joseph A. Califano—is a strong supporter. He has written to me—

The legislation is necessary and desirable to establish a definitive point at which the Attorney General can intercede on behalf of institutionalized persons whose rights may not otherwise be protected.<sup>1</sup>

The urgent need for this legislation is very apparent, as we weekly and sometimes daily learn of abuses to institutionalized persons. The hearing records in this and the 95th Congress document many of these abuses: Mental patients tied to their beds at night in the absence of sufficient staff; confinement of a mental patient to a straitjacket for 9 years, resulting in the loss of the use of both arms. Many of these conditions have been characterized as debilitating, shocking, inhumane, and an immediate and intolerable threat to the safety and security of residents and staff. The conditions in many institutions are unfit for human habitation.

Recently the courts have been the ultimate forum responsible for remedying these conditions, only because many States and public agencies have failed to meet their responsibilities. However, I would like to note for the record, that my own State—New Jersey—has been in the forefront of protecting institutionalized persons. The Honorable Stanley C. Van Ness is the New Jersey Public Advocate, directing a department, which by statute has the responsibility and authority to act on its own motion to address many of the concerns that would be faced by the Attorney General under H.R. 10. Many of the institutionalized persons are "the poor, the minorities, the voiceless, and those isolated from the mainstream of the majoritarian, democratic political system," according to the Public Advocate. Most of the cases brought by the Public Advocate have been resolved by negotiation, without the need to resort to litigation. It is

<sup>1</sup> Hon. Joseph A. Califano, letter dated July 20, 1977, to Hon. Peter W. Rodino, Jr. Hearings on H.R. 2439 and H.R. 5791 before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary, 95th Cong., First Sess., Serial No. 28, at 466-67 (1977).



expected that the Attorney General under H.R. 10 will be able to resolve some cases by negotiation and settlement, particularly since the precertification procedures require consultation with and advice to State and institutional officials. However, it is necessary that the Attorney General have the power to initiate a civil action, if necessary.

The Honorable Stanley Van Ness and his department of the public advocate are on record as being strong supporters of H.R. 10. Testimony has been delivered personally during the 95th and 96th Congresses by the department. In that testimony the department has defended the constitutional validity of the legislation, noting that it creates no new rights but merely provides a mechanism for the enforcement of existing rights.

The department has rebutted the intolerable argument that States "cannot afford" to treat them (institutionalized persons) with humanity."

The deprivation by a State of Fundamental constitutional rights can never be justified by a claim of inadequate fiscal resources. A State is not free, for budgetary or other reasons, to provide a social service in a manner which results in the denial of individual constitutional rights. The choice between administrative convenience and economy on the one hand, and federal privileges and immunities on the other hand, has already been made by those who drafted our federal Constitution and the States that agreed to abide by its dictates.<sup>2</sup>

In closing, I would like to stress that the New Jersey public advocate has endorsed all the provisions of H.R. 10, including section 4 which encourages the voluntary development of correctional grievance mechanisms, and authorizes a court to continue a prisoner petition under 42 U.S.C. 1983 for up to 90 days if an effective mechanism is in place and has not been used.

I urge the Members to support H.R. 10 without any amendments, except for the one technical amendment which the gentleman from Wisconsin (Mr. KASTENMEIER) will offer. To support this recommendation, I am inserting a copy of an excellent letter from the Attorney General which rebuts the suggestions made by the gentleman from Ohio (Mr. KINDNESS). This legislation is carefully drafted and reserves your full support.

The letter follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D.C., May 2, 1979.

Hon. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that Representative Kindness intends to offer several amendments to H.R. 10, Civil Rights of Institutionalized Persons, when the bill is considered by the House of Representatives in the near future. I feel it is important to address several misapprehensions about the legislation that are evidently shared by Mr.

Kindness and some other Members of Congress.

H.R. 10 would not in any way grant the Attorney General the power to mandate any actions by state or local governmental entities. Nor would it enlarge existing legal obligations of state and local governments. The bill merely makes clear that the Department of Justice may initiate litigation where persons confined in covered institutions are, on a wide-spread and systematic basis, subjected to treatment that denies them existing federal statutory or constitutional rights. The ultimate findings and determination of remedies in these lawsuits will continue to lie with the courts, as it does in private litigation. The Attorney General would continue to bear the responsibility for ensuring that federal jails and prisons comply with constitutional standards.

Another significant provision of the legislation requires this Department to develop, after extensive consultation with interested governmental and nongovernmental parties, minimum standards for correctional grievance procedures. The bill does not require any State to adopt such standards. It does provide, however, that in the case of States which do so, prisoner lawsuits pursuant to 42 U.S.C. 1983 will not proceed until the grievance process has been completed.

I am opposed to assertions of Federal control over those matters that are fundamentally the responsibility and right of non-Federal entities to address, and I believe this view is consistent with the proper role and mandate of this Department throughout its history. However, it is vital that the nation's law enforcement agency have legal standing to vindicate the federal rights of institutionalized persons when those rights have been infringed by officers or agents of state and local governments. The entire body of federal civil rights statutes is grounded in part on the proposition that state and local governments must obey the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States and that the federal government should have the statutory authority to protect groups which are unable to adequately protect themselves from patterns of deprivation of Constitutional rights. H.R. 10 should be viewed as a natural and appropriate improvement in the statutory scheme for federal civil rights enforcement.

The Judiciary Committee is to be commended for its strong endorsement of this important legislation. I look forward to its early passage by the full House of Representatives.

Yours sincerely,

GRIFFIN B. BELL,  
Attorney General.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. RODINO. Mr. Chairman, I yield to my colleague, the gentlewoman from New Jersey (Mrs. FENWICK).

□ 1210

Mrs. FENWICK. Mr. Chairman, I thank my colleague for yielding.

I would like to speak on behalf of this legislation. I worked in these fields in New Jersey before I ever came down here. I was chairman of our legislative commission on the study of child abuse and other aspects of child welfare and I worked, too, among the elderly, and in our prisons.

We desperately need some way to make sure that the rights of these people can be secured. We have no such a vehicle now. I think that this legislation is most important in that regard.

I honor the Committee on the Judiciary for its work.

Mr. RODINO. Mr. Chairman, in con-

clusion, I urge the committee to adopt this legislation, with the one technical amendment that is being presented by the chairman of the subcommittee.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the distinguished ranking minority Member, the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of H.R. 10. I want to commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER), and the ranking minority member, my colleague, the gentleman from Illinois (Mr. RAILSBACK), and I want to commend the Committee on the Judiciary for its work on this important legislation. H.R. 10 was reported by the Committee on the Judiciary with a strong bipartisan endorsement. Its primary purpose is to permit the Attorney General of the United States to initiate civil suits to protect the rights of institutionalized children, the elderly, the mentally impaired, and prisoners. Originally, this bill came to the Congress in 1975 as a recommendation of the Ford administration.

Under this bill the Attorney General is permitted to take such action only if he believes that such rights deprivation is part of a pattern or practice of denial, and only after proper notice and consultation with the appropriate State official. No standing is created by this legislation to pursue purely private conduct no matter how discriminatory or wrongful.

In the past, Congress has not hesitated to give the Attorney General statutory authority to engage in litigation to secure citizens' basic constitutional rights where evidence has shown a widespread denial of such rights. In seeking to remedy discrimination in voting, public accommodations, employment and housing, we have authorized the Attorney General to commence litigation to correct a pattern or practice of unlawful conduct. The authority proposed in H.R. 10 is neither novel in concept nor unprecedented in use.

Another important part of this legislation is intended to help relieve some of the burden which prisoners' grievances frequently place on our Federal district courts. Last year, over 9,000 prisoner petitions under section 1983 were filed in Federal courts, comprising 8 percent of the total number of civil cases filed. H.R. 10 contains a provision that would allow courts to continue cases brought by State prisoners under 42 U.S.C. 1983 in order to permit the aggrieved person to make use of his State's administrative grievance procedure prior to trying to litigate the issue in Federal court. If the inmate is not satisfied with the result received, he may still use 1983. Such petitions filed by an inmate are lengthy and handwritten, without the assistance of a lawyer. A total of 96 percent of these petitions are dismissed without trial. Last year in the northern district of Illinois which embraces my congressional district, 377 petitions were filed, which was a 30-percent increase over the number filed in 1977. The northern district was the fourth highest in the Nation in the number of 1983 cases

<sup>2</sup> Testimony of Laura LeWinn, Deputy Director, Division of Mental Health Advocacy, Office of the New Jersey Public Advocate, Hearings on H.R. 10 before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary, 96th Cong. First Sess., Feb. 15, 1979.

filed. In the southern district of Illinois 65 cases were filed in 1978 which represents a 400-percent increase over 1977. H.R. 10 would go a long way in helping these courts with their ever-growing caseload.

It is important to point out, Mr. Chairman, that this legislation imposes no new obligations on State or local governments or their officials. The scope of their responsibilities to obey Federal constitutional proscriptions is neither enlarged nor contracted under H.R. 10. The bill has no effect, one way or the other, on existing rights, privileges, and immunities. The only purpose of the measure is to give the Attorney General the authority in those cases where a pattern and practice has developed of systematic violations of the rights of institutionalized persons. This legislation establishes a mechanism or procedure for protecting the constitutional rights of institutionalized persons. I urge my colleagues to support the passage of this legislation.

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, much of what I had prepared in my remarks has been stated by others who have preceded me. I would like to join with the others who have complimented the chairman of the subcommittee, the gentleman from Wisconsin, as well as the ranking minority member, for the work they have done in bringing this legislation to the floor for the consideration of the full House.

I think it is appropriate to mention again what was stated by my colleague and friend, the gentleman from Illinois (Mr. RAILSBACK) that today as we wait at our respective doors, my friends on that side of the aisle and those of us sitting on this side of the aisle, there will be no one standing over at the corridor with their thumbs in a vertical or up-and-down position asking us to support or not support this legislation.

The people who will be looking to benefit rather under this bill are people who will be lobbying us through their silence and through their absence.

Mr. Chairman, I rise in support of H.R. 10.

This bill seeks to protect the civil and constitutional rights of millions of people in this country. In my district and in every congressional district there are thousands of people whose rights this bill seeks to protect. Yet, as we prepare to vote on this legislation, those who would directly benefit, those whose rights we are considering are not here lobbying for our votes. They cannot be here. They are in our institutions—our nursing homes, our prisons, our orphanages, our homes for the developmentally disabled, and our mental hospitals.

They cannot come here to tell us how badly they need this legislation, but they have sent us a message through their absence—not merely through their physical absence, but more strikingly through the silence in our mail and on our phone lines. We do not hear their voice; that is

the message. They cannot reach out; we must reach in.

We do not hear their voices because many institutionalized persons are unable to communicate with us due to their physical or mental condition, and many others have long since stopped believing that there is anyone out here who cares.

The message in the silence is the key to this bill. The institutionalized persons in this country need a voice so that deprivations of their rights do not go unremedied, they need a voice because many have suffered, and although there are many well-run institutions in this country, in many others, people are still suffering grievous harm and deprivations of their constitutional and civil rights. Institutional abuse is not a problem which is confined to any particular State or region of this country; it is a national problem. In Alabama's mental hospitals, some retarded persons were tied to their beds at night in the absence of sufficient staff to care for them, and one patient was regularly confined in a straitjacket for 9 years, as a result of which she lost the use of both arms. In New York's Willowbrook facility, retarded children were massively overdressed by the staff; a child suffered the loss of an eye and another the loss of part of an ear. In Texas' five juvenile facilities, a Federal court determined that the staff was engaged in "a widespread practice of beating, slapping, kicking, and otherwise physically abusing juvenile inmates \* \* \*." In Oklahoma's State penitentiary system, inmates were sleeping in garages and stairwells, and eating out of kitchens infested with mice, rats, and vermin. In a Mississippi State prison, exposed wiring posed a constant danger of fire, dead rats surrounded the barracks, and broken windows were stuffed with rags to keep out the cold and rain.

The cases I have just described are noted in the committee's report on this bill. I take the time to repeat them now, just as I and some of my colleagues have in the past recited the stories of Soviet dissidents whose human rights are being violated. We must not turn our backs on those who are suffering gross violations of human rights; We must not cease in our efforts to bring these abuses to the public's attention. And for the millions of institutionalized persons in this country, ill and mentally retarded. They are, therefore, providing services on behalf of the State, and if these allegations are true, a court may very likely find "State action" under the 14th amendment.

Another example from my home State involves a suit presently pending in the Federal district court against a State institution for the mentally retarded, the Mansfield Training School. In that suit the Connecticut Association of Retarded Citizens allege, among other things, that persons institutionalized at Mansfield do not receive "necessary services, including personal care and protection, occupational services, and rehabilitative training." And they allege that "physical and pharmaceutical restraint procedures are frequently utilized for convenient control of residents and as a

substitute for appropriate care and programs of rehabilitation."

These allegations are now before a Federal court which will determine which, if any, of these allegations are valid, and what, if any, remedy is appropriate. Again, I emphasize that this is a national problem for which we need a national solution.

We should not leave institutionalized persons to find their only spokesmen in the understaffed and overburdened offices of civil liberties organizations and poverty lawyers. The message of the silence tells us that the voice we provide must be strong. As Judge Bazelon has written,

Those without voices they can raise, those submerged by what has engulfed them—it is those people we must attend.

I urge my colleagues to vote in favor of H.R. 10. We must do more—we must insure that they have a voice by giving the Attorney General the right to seek a remedy for systematic deprivations of their rights.

At present, in my own State of Connecticut, allegations of institutional neglect have been made against two nursing homes. The allegations include charges that these facilities provide inadequate heating; that they lack the necessary equipment and supplies; and that patients are suffering physical harm from improper positioning and improper or inadequate feeding programs. These facilities are privately owned, but they receive State and Federal support for over 80 percent of their patients, and a substantial number of their patients have been transferred to these facilities from State institutions for the mentally ill.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

#### MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. PRICE) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirton, one of his secretaries.

The SPEAKER pro tempore. The committee will resume its sitting.

#### CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

The committee resumed its sitting.

Mr. RAILSBACK. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. BUTLER).

Mr. Chairman, I would just like to say that the gentleman from Virginia has worked extremely hard on this legislation and I think deserves a lot of credit.

Mr. BUTLER. Mr. Chairman, I thank the gentleman from Illinois for his kind words.

I appreciate the contribution that the subcommittee has made to this bill and



the hard work they have done this year. I was not privileged to serve on the subcommittee in the 96th Congress, but I worked closely with it as a member in the 95th. I am pleased with the product and I think the improvements that have been made this year are salutary, and that we have an even better bill than the one that passed the House last year.

Mr. Chairman, I rise in support of H.R. 10. Most Members of this body are well aware of the conditions that exist in our nursing homes and in our mental and penal institutions throughout the country. Some institutions do an outstanding job and perform a valuable service to the community. Other institutions leave a great deal to be desired. But there are still others that are absolutely outrageous and unacceptable. H.R. 10 would address itself primarily to this latter category and then only if such facility is owned, operated, or managed by or on behalf of the State. In other words, there can be a privately owned nursing home out there which may be the worst in the country, but if it is not operated by or on behalf of the State, this legislation cannot be invoked to correct the situation. However, a State arrangement whereby it contracts with a private institution to care for persons committed to the care of the State would be covered.

All private nursing homes are in some way licensed by the State. This is not what constitutes "State action" for the purpose of H.R. 10. That is to say, a State license, State money, State regulation, tax exemptions or Federal money would not singularly or collectively be adequate involvement of a private nursing home with the State to trigger this legislation.

Section 4 of H.R. 10 provides that in certain cases a Federal judge may require a State prisoner, who has filed a 1983 petition, to go back and exhaust his State grievance procedure.

Last year, Virginia's eastern Federal district lead the Nation with the number of 1,983 suits filed 833, a 59 percent increase over 1977, and the western district was number three in the Nation. Prisoner cases comprise over 25 percent of the eastern district's civil docket. I contacted the office of the attorney general of Virginia and found that five assistant attorney generals, three paralegals, and two secretaries, and probably others, spend their full-time investigating and responding to prisoner complaints in Federal court.

H.R. 10 would go a long way toward helping us in our Federal courts in Virginia. Under existing law there is no requirement that a complainant first ask the State prison system to help him. He can file his grievance directly in the Federal court and his case has to be investigated by that court, and the State defended by the State's attorney general's office.

While drafting this legislation we were concerned that the U.S. Attorney General may desire, under H.R. 10 to set up a large bureaucracy, and we requested and received assurance from the Department of Justice that there would be very little increase in staff as a result of the enact-

ment of H.R. 10. The Department testified before our subcommittee that:

At the present time we have a special litigation section which is responsible for our institutions litigation and it presently has a staffing of 30 people; 18 attorneys, and the others are professional and clerical personnel. It would be our expectation that with the enactment of this legislation that we would not increase appreciably the number of suits that we have been involving ourselves in.

According to our Congressional Budget Office's analysis of H.R. 10: "It is estimated that these tasks will require two additional attorneys and one additional clerical position, at a cost of \$81,000 in fiscal year 1980."

This legislation came to Congress as a recommendation of the Ford administration. In my opinion, it will have a very positive benefit for my State of Virginia. I urge your support.

□ 1220

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I would like to commend the gentleman from Virginia (Mr. BUTLER) for his contribution to the bill. As the gentleman is aware, many of his suggestions have been incorporated into the text of the bill.

For the benefit of the Members, I would like to also state that at page 6 of the report there appears the very important letter the gentleman from Virginia elicited from the Justice Department. I think that letter reassures or should reassure the membership of what the intentions of the Justice Department are in this regard.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BUTLER) has expired.

The Chair will advise the Members that the gentleman from Wisconsin (Mr. KASTENMEIER) has 13 minutes remaining and the gentleman from Illinois (Mr. RAILSBACK) has 14 minutes remaining.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. PEPPER), a member of the Committee on Rules.

Mr. PEPPER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding to me for a brief time.

Mr. Chairman, I am pleased to be recorded in support of H.R. 10. This bill, as I understand it, will give the Attorney General of the United States clear authority to institute a civil action to redress patterns of deprivation of civil rights of institutionalized persons, including institutionalized children, prisoners, persons being cared for in our mental health institutions, and our institutionalized elderly. While I believe the constitution already affords these protections, certain recent court decisions have necessitated this clarification. If the civil rights of individuals are being abused in the presence of State action then the Federal Government has not only a legal responsibility but a moral obligation to intercede. I commend my distinguished colleague from Wisconsin (Mr. KASTENMEIER) and members of his

committee, for their efforts in bringing this measure to the floor. It is an important bill and one which should be heralded as a major step toward protecting the basic rights of institutionalized persons.

It is fortunate that the National Conference on Mental Health and the Elderly, sponsored by the Select Committee on Aging, had the opportunity to consider H.R. 10 just weeks in advance of the floor debate today. Over 300 delegates from nearly all 50 States, representing major national organizations concerned with mental health and the elderly, met in the House of Representatives to draft and consider legislative measures to address the unmet needs of our elderly with mental problems. To protect the rights of those confined in mental institutions, the delegates to the National Conference endorsed unanimously H.R. 10 and urged that the protections embodied in this legislation be extended to those in nursing homes.

I am delighted to see that nursing homes as well as those facilities which provide custodial, long-term or residential care will be included within the scope of this legislation. As chairman of the House Select Committee on Aging, I have heard testimony from numerous witnesses documenting instances in which the rights of patients are infringed, where persons are involuntarily committed or released from institutions without provisions for care, or where such persons live in fear that complaints about inadequate care or attempts to seek better care would inevitably lead to further hardship. Unfortunately, these circumstances have been allowed to persist in many cases because of lack of authority, direction, or will to redress the grievances. This legislation is a strong step toward correcting these problems.

Under H.R. 10, if a pattern or practice of abuse is found to exist within an institution which is owned, operated, or managed, in whole or in part, by a State or a political subdivision, then corrective action will be reachable by Attorney General suit. In addition, the Attorney General may bring suit if a facility or institution provides services on behalf of any State or political subdivision. In short, this legislation will provide redress for our institutionalized when it can be established that State action has led to a pattern or practice of abuse in nursing homes or facilities which provide custodial, long-term or residential care.

Mr. Chairman, it is time that the States and other political entities take action to safeguard the health and safety of these helpless and dependent individuals who are victims through no fault of their own. We should not tolerate conditions such as those which led to the loss of 44 lives in three boarding homes for the elderly last month. Nor should we allow the placement of elderly in facilities without adequate care, clothing or shelter. Unfortunately, thousands of former elderly mental patients and the handicapped are being transferred into substandard facilities sometimes known as foster care homes, halfway houses, or shelter care facilities. Patients are being housed in old hotels, mobile homes or old

nursing homes, few of which offer psychiatric, recreation or rehabilitation services. In sum, we are playing musical chairs with needy people. We move people from State hospital to nursing home to boarding home with little followup to determine if patients have been properly placed or adequately cared for. Where States act irresponsibly and seriously abuse the rights of our institutionalized, this bill will hold the States and others involved accountable for their acts.

Mr. Chairman, I urge immediate passage of this important measure.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I thank the gentleman very much for yielding this time to me.

I want to add my expression of gratitude to both the chairman of the subcommittee and the ranking minority member for the work product they have brought before us.

Mr. Chairman, I rise to offer my support to H.R. 10. The primary purpose of this legislation is to provide express statutory authorization for the Attorney General of the United States to initiate civil actions to redress systematic deprivation of rights of institutionalized persons.

The protection of the rights of institutionalized persons, while primarily the responsibility of the officials who operate the institutions, is a matter of concern to the United States—when rights guaranteed under the Constitution or laws of the United States are being violated by official action. Over 1 million persons reside in institutions throughout the Nation. These people are generally very vulnerable to abuse. They are usually inarticulate, powerless, and unaware of their rights.

I can understand a State's reluctance to support this legislation. There may be a conflict of interest between the State and the people they institutionalize. The State officials know the condition of their institutions. Many will say they do not need the Federal Government sticking its nose into what is a State's business. This legislation takes that into account and requires that no action can be commenced until at least 30 days after the appropriate State, local and institutional officials have been notified and that the State has had a reasonable time to develop a plan to correct such deprivations and have not done so. Also, the Department of Justice must consult with the State regarding assistance which may be available from the United States.

Over the last several years, the Department of Justice has been involved in approximately 40 cases seeking to protect the rights of the institutionalized. In October 1977, the U.S. Court of Appeals for the Fourth Circuit affirmed the district court's ruling and held that "without specific statutory authorization" the United States may not sue to protect the rights of the institutionalized mentally retarded (*U.S. v. Solomon*, 419 F. Supp. 358; affirmed 563 F.2d 1121, 4th Circuit, 1977). Without this legislation, the Department of Justice's modest activity in this area will have to cease.

It is unlikely that H.R. 10 will appreciably increase the Department of Justice's budget or result in many new positions. In fact, given clear statutory authority, the Justice Department may need less litigation support since time can be spent on the merits rather than the procedural issue of standing. The only immediate increase that may be projected as a result of H.R. 10 would be for three additional personnel—two attorneys, and one clerk—to fulfill the requirements of section 5 of the bill which requires the Attorney General to develop and promulgate standards for grievance mechanisms and to certify those which are submitted by State institutions. For that, the cost estimated by the Congressional Budget Office is \$81,000 for fiscal year 1980.

Mr. Chairman, H.R. 10 represents a modest, good faith effort to try and improve conditions in our institutions throughout the country. A Washington Post editorial on February 24, 1979, noted that while understandable that our Government has difficulty protecting U.S. citizens in remote corners of the world, it can do a better job protecting rights of those citizens at home, even within State institutions. I concur, and I urge Members to vote favorably for passage of H.R. 10 as reported.

Mr. KASTENMEIER. Mr. Chairman, I now yield 5 minutes to the distinguished gentleman from Missouri (Mr. VOLKMER), a member of the Committee on the Judiciary.

Mr. VOLKMER. Mr. Chairman, I wish to commend the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Illinois (Mr. RAILSBACK), as well as the subcommittee, for the work they have done on this historic piece of legislation.

I would like to engage the gentleman from Wisconsin (Mr. KASTENMEIER) and also the gentleman from Virginia (Mr. BUTLER) in a colloquy regarding a certain provision of section 4, referring to the latter part of the first paragraph, which contains language providing that the standards for grievance procedures "shall take effect 30 legislative days after final publication unless, within such period, either House of the Congress adopts a resolution of disapproval."

My only question in regard to this is as to the procedure that would be followed in the event a resolution of disapproval had been introduced by a Member.

Since the procedure is not set out in the legislation itself and since there is a time limit of 30 days in which action must be taken or else standards go into effect, I would like to have the comments of the chairman of the subcommittee and also of the gentleman from Virginia (Mr. BUTLER) as to exactly how this will work.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield on that point?

Mr. VOLKMER. I gladly yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I am pleased to respond to the gentleman from Missouri (Mr. VOLKMER).

As the gentleman knows, the House did modify language on this point to reflect

what is presently in the bill, and the gentleman from Virginia (Mr. BUTLER) was, I believe, the moving party on that question.

I can understand that there may be some apprehension as to how the one-body legislative veto will work in this connection. I would assert that at that time, at a timely moment, my subcommittee will entertain hearings on this question. The gentleman from Missouri (Mr. VOLKMER) and indeed any Member, as well as all appropriate persons who care to be heard on the matter, will be most welcome.

We have already discussed this with the Assistant Attorney General for Civil Rights of the Department of Justice. He has been cooperative with respect to keeping us fully informed so that the legislative veto provision can be implemented in timely fashion. If the House may care to do so, it may in fact veto those provisions. It is not our purpose obviously to frustrate the will of the House in that connection.

Mr. Chairman, I do hope the gentleman from Missouri (Mr. VOLKMER) will support the existing language rather than provide for other language with respect to discharge petitions and the like.

Mr. VOLKMER. Mr. Chairman, I had contemplated introducing an amendment to set out specifically in the language the procedures to be followed. However, I do appreciate receiving these assurances of the gentleman from Wisconsin (Mr. KASTENMEIER), and I will yield later to the gentleman from Virginia (Mr. BUTLER).

□ 1230

With those assurances, that not just I, but any Member of this House who feels for valid reasons that the standards would not be workable may introduce a resolution disapproving the standards, and with the assurance from the chairman that hearings will be held and will permit the committee and this House to act on the resolution, I will not offer my amendment. I now yield to the gentleman from Virginia, but before I do, I wish to commend him for having this language put in the bill. I feel it is one of the safeguards, since we are doing something for the first time to set up standards, permitting the Attorney General to set up standards, for grievance procedures. I think this provision is a very necessary ingredient. It can give the Congress at least an opportunity to look at these before they go into effect.

I would like to ask the gentleman from Virginia if he feels confident that these procedures can be followed within the 30-day time.

Mr. BUTLER. If the gentleman will yield, I give the gentleman every assurance that I can that this 30 days was not selected that lightly. I have had an opportunity to review the amendment the gentleman is contemplating. I think the objective the gentleman has in mind there is accomplished by the language in the legislation. I think, to emphasize again, if I may, the voluntary nature of the standards, that they are not imposed



upon the States, but they are an option to them if they comply.

I think the one-House veto, the 30-day period of time, and the knowledge that we have the time of publication in the Federal Register, we can accomplish the objective of the gentleman.

Mr. VOLKMER. I thank the gentleman.

Mr. RAILSBACK. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I am on the subcommittee and I am familiar with this bill. I initially approached this legislation with some reservation.

I am now totally satisfied with the bill. I think it is an excellent piece of legislation. It does not infringe upon or abuse the rights of State authorities with respect to institutionalized persons in either the State prisons or other institutions.

The Attorney General must, before he can do anything, give specific notice to the Governor of the State and the attorney general of the State, specifying in detail what he finds wrong and that it amounts to an actual pattern and practice as opposed to an isolated abuse. He must give the Governor or the Attorney General a minimum of 30 days within which to take action to correct this situation—and longer, if that is not reasonably sufficient time. Upon the commencement of proceedings to compel compliance or enforcement by the State, he must certify to the Federal district court, that he has given at least 30 days notice to the Governor and the Attorney General, that he has specified with particularity the pattern and practice complained of, giving the facts to support it, and he must also certify that there has been a reasonable amount of time for compliance or correction by the Governor or the Attorney General. So that it is really longer than 30 days, if longer than 30 days would be required to correct the problem.

Also, with respect to grievance procedures being specified by the Attorney General, the guidelines are laid out in the bill. They are very good guidelines, in my opinion. They involve for inmate participation and a final appeal to an outside authority disconnected from the institution. They require answers in writing to the grievances, and I am sure it will go a long way to diminish section 1983 lawsuits, under which penalty State prisoners can go directly into Federal court with an action.

This bill does not permit the Attorney General to impose these grievance procedures on a State prison. The States have the option. If the State opts to substantially adopt these grievance procedures, then before a prisoner may go into Federal court with a 1983 suit, he must go back and go through the grievance procedures to see if it cannot resolve the grievance without unnecessarily taking up the court's time and the State Attorney's General's time.

Mr. BURGNER. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from California.

Mr. BURGNER. Mr. Chairman, I rise

in support of H.R. 10, a bill which would allow the U.S. Attorney General to intervene on behalf of institutionalized persons whose rights are being violated. The passage of this bill is critically important to the almost 200,000 mentally retarded citizens who currently reside in institutions throughout the country. Despite numerous exposés by the press and advocacy organizations such as the President's Committee on Mental Retardation and the National Association for Retarded Citizens, evidence continues to mount indicating continued and systematic gross violations of basic human rights in our Nation's institutions serving mentally retarded people.

I cannot think of a more vulnerable segment of our society than severely and profoundly retarded persons, most of them far away from their families, living under dehumanizing, sometimes horrible, conditions. At the present time, the Federal Government, particularly the U.S. Justice Department, cannot intervene on their behalf, even though the Constitutional rights of these persons are clearly being violated. Surely, these most vulnerable individuals deserve the fullest protection under the law.

I would also like to add that the passage of this bill will have practically no effect on the Federal budget. The protection afforded by H.R. 10 would be implemented by an existing entity within the Justice Department, thereby necessitating few, if any, additional Federal expenditures. I strongly urge my colleagues to support this bill.

Mr. SAWYER. Mr. Chairman, I urge support for the bill.

Mr. KASTENMEIER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. GUDGER).

Mr. GUDGER. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the gentleman, the ranking minority member, and each member of the Subcommittee on Courts who has participated in the drafting of this very important legislation.

Mr. Chairman, I produced yesterday and distributed to many of the Members of this body a letter in which I compare H.R. 10, the bill under debate here in the 96th Congress, with H.R. 9400, the comparable bill in the 95th Congress, and I drew these distinctions between these two pieces of legislation which I felt most significant and pointed out what I thought was a vast improvement in H.R. 10 over H.R. 9400. I am impressed by the fact that the gentleman from Michigan (Mr. SAWYER), in his remarks, has drawn out some of those distinctions without making reference to the prior legislation. I would state that I think H.R. 10 is particularly significant, in that no longer is it proposed that there be any change in the discretionary intervention rule, and the Attorney General may intervene only as presently authorized by rules 24 (a) and (b) of the Federal Rules of Civil Procedure.

I point out, also, that H.R. 10 is distinguishable from H.R. 9400 by another major revision, in that the Attorney General may not institute litigation

against a private institution, only one which is acting for the State or as its agent.

I would also point out that H.R. 10 has many other safeguards, some of which have been commented upon by the gentleman from Michigan (Mr. SAWYER) in his observations, and some of which I would like to repeat, including some of the following: Under the legislation, H.R. 10, the Attorney General is permitted to take action only if he believes that there are conditions in an institution which cause grievous harm to the persons confined or residing there which deprive them of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States and that a State or its agent is subjecting these persons to such conditions pursuant to a "pattern or practice." Thus the facts supporting such action could not be an isolated incident or complaint.

In order to protect the balance of Federal-State relations, the bill has set procedures which must be followed before the Attorney General may initiate a civil suit: First, he must believe that the action is of "general public importance" and will materially further the vindication of rights secured or protected by the Constitution.

Second, he must give proper, detailed notification to the appropriate officials including the chief executive and legal officers of the political unit involved—for example, a Governor and attorney general, as well as the institutional officials, would have to be given such notification prior to any suit against a State. The notice must contain, in addition to the alleged pattern or practice of deprivations, the facts upon which this conclusion is based, including the dates or time period during which the alleged deprivations took place and, when feasible, the identity of all persons reasonably suspected of being involved in causing such deprivations. To the extent his information permits, the Attorney General must state the measures which he believes may remedy the alleged pattern or practice of deprivations. Such measures of relief would be equitable, for example, injunctive relief to correct existing conditions. No money damages would be sought by the United States.

Third, before the Attorney General can initiate such a civil action, he must make a reasonable effort to consult with the appropriate public and institution officials regarding assistance which may be available from the United States and which he believes may assist in the correction of such conditions. Assistance may be technical, financial, or other forms of assistance.

Fourth, before the Attorney General may initiate a suit he must be satisfied that the appropriate officials have had a reasonable time to take appropriate action to correct such deprivations and have not adequately done so.

All of the above presuit conditions must be certified to the court as having been met by the Attorney General at the time he files his suit. All such complaints must be personally signed by the Attorney General.

As you can see, the committee has carefully structured the bill to safeguard the rights of State and public entities. I believe that the Attorney General will exercise such power cautiously. Its effect will be to improve the quality of life for institutionalized persons, and to insure that this uniquely vulnerable group are insured the full protection of the Constitution and laws of the United States.

I hope you will give this bill your full support.

These deprivations must be a part of a pattern or practice. Let me also mention that this committee report is singularly sophisticated, filled as it is, with numerous subnotes, and with clear definition of the legal derivation of language used in the bill, such as the term, "pattern or practice," so that we may know that it is not intended to relate to an isolated case by reference to the very judicial decision from which that very language was lifted.

So we have here a committee report which represents outstanding staff work. We have here a bill which represents a great deal of committee effort and thought, and I believe a piece of legislation which deserves our uniform support. I urge my colleagues to join me in voting for this legislation.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KINDNESS).

□ 1240

Mr. KINDNESS. Thank you, Mr. Chairman.

I rise to sound a warning, and sometimes it seems that it is almost impossible to sound a warning when no one is listening.

Here we are, a few of us, from the Judiciary Committee, again gathered together to praise each other about the work that has been done over the years on this legislation and tell how different it is from last year when it was not worth much to most of us.

How different it is indeed. It is the same bill, practically speaking, with some minor revisions.

Mr. Chairman, there has to be some warning sounded that this is essentially the same thing as H.R. 9400 of the last Congress.

Ultimately, it gives the Justice Department a big stick to wield over the States while offering no help to the States to overcome the problems that are complained about, problems that are shared by Federal institutions as well as State institutions.

This bill does not do anything to solve the problems. It only puts the Justice Department in an adversary position with States and local governments.

How constructive is that approach when we might be doing something far more constructive to assure that the constitutional rights and privileges of people in institutions are dealt with properly.

The bill would authorize the Attorney General to initiate actions against the States where there is a pattern or practice of deprivation of rights of persons in institutions that are covered by the

bill, and the Attorney General already has the authority to intervene in those cases.

It is apparently not enough to have just the authority to intervene or to work out these situations through conciliation or other means. We have got to have those eager litigators down at the Justice Department going into court against State and local governments.

If it is really so harmless, vis-a-vis, the States, then why is the National Association of Attorneys General still adamantly opposed to this legislation?

The Members have all received a letter from the chairman of the Judiciary Committee, written by the Attorney General, which says that H.R. 10 would not in any way grant the Attorney General the power to mandate any actions by State or local government entities.

As the President said the other day, in response to a similarly absurd suggestion, that it is a lot of baloney.

Before the Attorney General can use this new authority to sue, he must notify the appropriate State officials of the measures which he believes may remedy an alleged pattern or practice of deprivation, and if the States do not react within an appropriate period of time, as determined by the Attorney General, of course, then he can go into court.

The legislation sets up the Attorney General as a kind of Federal overseer of State institutions. There is no question about that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I have been listening with great interest to my good friend and esteemed colleague from Ohio, but I am at a loss to determine why the Federal Government should pay a State to respect someone's constitutional rights.

Sure, the National Association of Attorneys General does not want anyone looking over its members' shoulders. This is the same group that has been busy filing the glamorous environmental suits and the consumer protection suits, but people abused in institutions, somehow there is not time to get around to them.

I am talking about 1 million people, retarded, chronically ill, senile, disabled, who inhabit jails and nursing homes and juvenile facilities. This bill reaches out to them and provides them with one more voice, maybe, to speak up under certain severely controlled circumstances on their behalf.

These institutions and facilities have to be owned or operated or managed or provide services on behalf of a State or political subdivision, not private facilities.

You have heard of the silent majority. You have heard of the noisy minority. But there exists a silent minority, a silent minority of people who have no well-paid lobbyists prowling the Halls of Congress speaking on their behalf. They

are just people, human beings who suffer without any advocacy or without any hope.

Nobody resists Federal intervention with more vigor than I do, but when you have a disaster, you reach out to get help anywhere you can.

I submit to my colleagues, in the real world, some of these mental institutions and some of these prisons are nothing less than a disaster.

Oh, how we conservatives admonish our liberal friends to come to grips with the real world.

I suggest the real world is a lot of mental homes and jails and juvenile facilities and nursing homes that are more appropriate for a Dickens novel than for a 20th-century modern community.

In this legislation there are significant safeguards to protect against abuse; a pattern or practice must exist, not an isolated instance.

There has to be notification to the State authorities, consultation, time to correct the situation must be provided and the suit must be of general public importance. This bill does not impose any new obligations on State or local government, does not create any new rights or does not impair any existing rights, but it provides standing for the Attorney General to enforce constitutional rights under severely controlled circumstances in civil litigation.

In Illinois, the gangs control the prisons. Do not tell me that we are going to clean that situation up soon. It has gone on for too many years in this country and everywhere in the world. I do not intend to continue to waive the flag of no Federal intervention for another 200 years, while the inhumane conditions this legislation seeks to alleviate go on and on. I fully support this bill.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

Mr. RAILSBACK. Mr. Chairman, I yield my remaining time to the gentleman from California (Mr. LUNGREN).

The CHAIRMAN. The gentleman from California (Mr. LUNGREN) is recognized for 1 minute.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman for yielding.

In taking this time, I would really like to echo the words of my distinguished colleague from Illinois (Mr. HYDE), that this is not a conservative versus liberal question. This is not a question of the Federal Government overstepping its bounds. It is simply a question of us enforcing the constitutional rights of those people who most severely need some protection and who sorely need some recognition from this House and from government at all levels.

It seems to me that the question of States rights really does not apply here. These are rights the individuals already have. All we are attempting to do is to facilitate the means by which they might bring this question to the forefront. There is no doubt in my mind that one group is probably the one that really has no advocacy here. That is the prisoners



of America. I think other people who know me know that I am as hard a liner on crime as anybody, and I support mandatory prison sentences, but when we have a situation in this country when some of our prisons, Federal as well as State, are a national disgrace, and where some judges will not exercise what they feel to be their right to send people to prison because of the deplorable circumstances in which those people are surrendered, there is something that should be done.

I would urge support of this bill.

● Mr. PEPPER. Mr. Chairman, I am pleased to be recorded in support of H.R. 10. This legislation will give the Attorney General of the United States the authority to initiate or intervene in civil actions in order to redress patterns of deprivation of civil rights of institutionalized persons, including institutionalized children, prisoners, persons being cared for in our mental health institutions, and our institutionalized elderly. Furthermore, this legislation clarifies the standing of the United States when there is no underlying Federal statute specifically authorizing intervention by the Attorney General, while not changing existing law governing the conduct of institutions covered by the bill. I commend my distinguished colleague from Wisconsin (Mr. KASTENMEIER) and members of his committee, for their efforts in bringing this measure to the floor. It is an important bill and one which should be heralded as a major step toward protecting the basic rights of institutionalized persons.

My concern regarding the need for this important legislation derives in part from my experiences as the former chairman of the House Select Committee on Crime. After the disaster in Attica, the select committee held extensive hearings on prison conditions—hearings which went far in substantiating the fact that our prison system had failed. We found conditions of confinement in adult prisons and in juvenile detention centers so deplorable that some of the most vocal critics of the prison system were the prison administrators themselves.

On the other hand, in my capacity as chairman of the House Select Committee on Aging, I have found on numerous occasions that inhuman conditions encountered by residents of nursing homes and other State-operated institutions across the country were, if possible, worse than those in our correctional institutions. Our committee has documented numerous instances in which the rights of patients are infringed, where persons are involuntarily committed or released from institutions without provisions for care, or where such persons live in fear that complaints about inadequate care or attempts to seek better care would inevitably lead to further hardship. Unfortunately, these circumstances have been allowed to persist in many cases because of lack of authority, direction, or will to redress the grievances. This legislation is a strong step toward meeting these problems.

It is fortunate that the National Conference on Mental Health and the Elderly, sponsored by the Select Committee

on Aging, had the opportunity to consider H.R. 10 just weeks in advance of the floor debate today. Over 300 delegates from nearly all 50 States, representing major national organizations concerned with mental health and the elderly, met in the House of Representatives to draft and consider legislative measures to address the unmet needs of our elderly with mental problems. To protect the rights of those confined in mental institutions, the delegates to the national conference endorsed unanimously H.R. 10 and urged that the protections embodied in this legislation be extended to those in nursing homes.

As I mentioned earlier, the bill as I understand it gives the Attorney General of the United States clear authority to institute a civil action to attack those situations where a pattern of deprivation of civil rights can be established as occurring in the presence of significant State action. While I believe the Constitution already affords these protections, certain recent court decisions have necessitated this clarification. If the civil rights of individuals are being abused in the presence of State action than the Federal Government has not only a legal responsibility but a moral obligation to intercede.

I am certain many of my colleagues recognize that the concept of State action is one that is constantly evolving. For this reason, I would like to comment on what I believe to be the intent of H.R. 10. There are two scenarios that would seem covered by this legislation. I think that it is important for the Record to specify what these are.

Scenario No. 1. On numerous occasions the committee has documented situations where a patient-inmate of a public mental health facility no longer needs to receive treatment as an inpatient. An employee of the institution informs him of this fact and recommends or otherwise acts so that the individual moves to an alternate, less restrictive facility in the community. Later, it is determined that it is possible to establish a pattern of abuse in this alternate facility of the constitutional rights of its residents.

Both conditions of the law have been satisfied. The "State action" principle has been met by virtue of the specific placement act of the employee, and the principle of "pattern of abuse" in the facility has been established through appropriate inquiry. In this instance, the Attorney General should have the authority to intercede on behalf of the aggrieved residents living in that facility as a consequence of State action. We have found significant evidence of this scenario being repeated all over the country. States have, in many instances, acted irresponsibly. They have dumped from their State hospitals thousands of former mental patients and placed them in essentially unregulated community residences where their rights have been seriously abused. This bill should hold the States and others involved accountable for these acts.

The second scenario also satisfies the two principle criterion of H.R. 10. In this situation, one that we have observed in Illinois and other States, the person or

persons involved either live at home or are patients in a facility, which may be privately owned. For a variety of reasons, the State or local unit of government acts to move that individual to another specific location. Frequently, for example, the State welfare office will make arrangements to relocate an individual from a general hospital to a long term care facility. Later, sufficient evidence is accumulated to demonstrate that a pattern of abuse is taking place in this facility. In this instance, the State has acted by placing the individual into this facility where a pattern of abuse is alleged. Once again, I would hope that the Attorney General would have the specific power to intervene in this situation. The State or local unit of government should be held accountable for their acts and the rights of this often disenfranchised group should be protected.

Mr. Chairman, I urge the immediate passage of this important measure.●

Mr. KASTENMEIER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

That as used in this Act—

(1) the term "institution" means any facility or institution—

(A) which is owned, operated, or managed by or provides services on behalf of any State or political subdivision of a State; and

(B) which is—

(i) for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped;

(ii) a jail, prison, or other correctional facility;

(iii) a pretrial detention facility;

(iv) for juveniles held awaiting trial or residing for purposes of receiving care or treatment or for any other State purpose; or

(v) providing skilled nursing, intermediate or long-term care, or custodial or residential care;

(2) the term "person" means an individual, a trust or estate, a partnership, an association, or a corporation;

(3) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States; and

(4) the term "legislative days" means any calendar day on which either House of Congress is in session.

SEC. 2. Whenever the Attorney General has reasonable cause to believe that any State or political subdivision of a State, any official, employee, or agent thereof, or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in or confined to any institution to conditions which cause them to suffer grievous harm and deprive them of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General for or in the name of the United States may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the full enjoyment

of such rights, privileges, or immunities, except that such equitable relief shall be available to persons residing in an institution as defined in paragraph (1) (B) (ii) of the first section of this Act only insofar as such persons are subjected to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States. The Attorney General shall sign the complaint in such action.

SEC. 3. (a) At the time of the commencement of an action under section 2 of this Act, the Attorney General shall certify to the court—

(1) that, at least thirty days previously, he has notified in writing the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision of the State and the director of the institution of—

(A) the alleged pattern or practice of deprivations of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States;

(B) the supporting facts giving rise to the alleged pattern or practice of deprivations, including the dates or time period during which the alleged pattern or practice of deprivations occurred and, when feasible, the identity of all persons reasonably suspected of being involved in causing the alleged pattern or practice of deprivations; and

(C) the measures which he believes may remedy the alleged pattern or practice of deprivations;

(2) that he or his designee has made a reasonable effort to consult with the Governor or chief executive officer and attorney general or chief legal officer of the appropriate State or political subdivision and the director of the institution, or their designees, regarding assistance which may be available from the United States and which he believes may assist in the correction of such pattern or practice of deprivations;

(3) that he is satisfied that the appropriate officials have had a reasonable time to take appropriate action to correct such deprivations and have not adequately done so; and

(4) that he believes that such an action by the United States is of general public importance and will materially further the vindication of the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Any certification made by the Attorney General pursuant to this section shall be signed by him.

SEC. 4. (a) No later than one hundred and eighty days after the date of enactment of this Act, the Attorney General shall, after consultation with State and local agencies and persons and organizations having a background and expertise in the area of corrections, promulgate minimum standards relating to the development and implementation of a plain, speedy, and effective system for the resolution of grievances of adult persons confined in any jail, prison, or other correctional facility, or pretrial detention facility. The Attorney General shall submit such proposed standards for publication in the Federal Register in conformity with section 553 of title 5, United States Code. Such standards shall take effect thirty legislative days after final publication unless, within such period, either House of the Congress adopts a resolution of disapproval. The minimum standards shall provide—

(1) for an advisory role for employees and inmates of correctional institutions (at the most decentralized level as is reasonably possible) in the formulation, implementation, and operation of the system;

(2) specific maximum time limits for written replies to grievances with reasons thereto at each decision level within the system;

(3) for priority processing of grievances which are of an emergency nature, including matters in which delay would subject the grievant to substantial risk of personal injury or other damages;

(4) for safeguards to avoid reprisals against any grievant or participant in the resolution of a grievance;

(5) for independent review of the disposition of grievances, including alleged reprisals, by a person or other entity not under the direct supervision or direct control of the institution.

(b) The Attorney General shall develop a procedure for the prompt review and certification of systems for the resolution of grievances of adult persons confined in any jail, prison, or other correctional facility, or pretrial detention facility, which may be submitted by the various States and political subdivisions in order to determine if such systems are in substantial compliance with the minimum standards promulgated pursuant to this section. The Attorney General may suspend or withdraw such certification at any time if he has reasonable cause to believe that the grievance procedure is no longer in substantial compliance with the minimum standards promulgated pursuant to this section.

(c) In any action brought pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) by an adult person convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed ninety days in order to require exhaustion of such plain, speedy, and effective administrative remedy as is available if the court believes that such a requirement would be appropriate and in the interest of justice, except that such exhaustion shall not be required unless the Attorney General has certified or the court has determined that such administrative remedy is in substantial compliance with the minimum acceptable standards promulgated pursuant to this section.

SEC. 5. The Attorney General shall include in his report to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, United States Code—

(1) a statement of the number, variety, and outcome of all actions instituted pursuant to this Act;

(2) a detailed explanation of the process by which the Department of Justice has received, reviewed, and evaluated any petitions or complaints regarding conditions in prisons, jails, or other correctional facilities, and an assessment of any special problems or costs of such process, and, if appropriate, recommendation for statutory changes necessary to improve such process; and

(3) a statement of the nature and effect of the standards promulgated pursuant to section 4 of this Act, including an assessment of the impact which such standards have had on the workload of the United States courts and the quality of grievance resolution within jails, prisons, and other correctional or pretrial detention facilities.

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER:

On page 15, after line 19 add the following new section:

SEC. 6. This Act shall take effect on October 1, 1979.

Mr. KASTENMEIER. Mr. Chairman, I will take less than a minute.

This amendment is purely technical. It is offered to bring the act into clear compliance with the Budget Act. The effect of the amendment will be to make H.R. 10 effective at the beginning of fiscal year 1980.

Mr. Chairman, I know of no opposition to this. This is agreed upon by the Rules Committee. I ask for its adoption.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Chairman, this, of course, establishes an effective date of the act. We have also a provision in section 4 that no later than 180 days after the date of enactment of this act, the Attorney General shall promulgate the standards.

□ 1250

I judge that the effective date of the act does not alter that 180-day standard in the act.

Mr. KASTENMEIER. No; it does not.

Mr. BUTLER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER). The amendment was agreed to.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: On page 9, line 4 strike "or provides services on behalf of".

Mr. KINDNESS. Mr. Chairman, I offer this amendment on page 9 at line 4 for the purpose of further clarifying what was attempted to be clarified in the change from H.R. 9400 of the last Congress to H.R. 10 in this, the 96th Congress. The problem is that it has not been very clear that where a State or local government contracts with some private party for the operation of an institution, that that institution or those services will or will not be covered, but particularly where there might be medicare or medicaid patients in a private institution the question is still a little cloudy as to whether we are intending to cover such private nursing homes, for example, or hospitals.

The language that would be stricken by this amendment is the words, "or provides services on behalf of". That would leave subsection (A) on page 9, starting on line 3, with reference to an institution and defining it, "an institution which is owned, operated, or managed by any State or political subdivision of a State \* \* \*"

It would no longer read, if this amendment were adopted, an institution " \* \* \* which is owned, operated, or managed by or provides services on behalf of any State or political subdivision of a State \* \* \*"

I think it is necessary to make it clear that we are not trying to cover private institutions that incidentally provide services for or on behalf of a State. I



think the language of the bill would be greatly clarified by striking these words, making it clear that we only intend to cover those institutions that are owned, operated, or directly managed by State or local governments. The arguments that have been made in the committee concerning this language are very unclear to me. I remain unconvinced that there is a serious intention on the part of the authors of the bill to really clarify this point, because they insist on keeping this language in that says, "or provide services on behalf of \* \* \*"

That means welfare patients, medicare and medicaid patients, in private nursing homes are indeed going to be covered by this bill. No matter how obtuse or acute the arguments presented, it still comes out the same way.

I do not see why we insist upon excluding items containing language such as I seek to strike by this amendment. I would urge the adoption of the amendment. Those who really want the bill to pass and serve a purpose ought to be willing to support such an amendment as that, at least.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the subcommittee and the committee spent a great deal of time discussing this particular amendment. We struck the term, "or pursuant to a contract \* \* \*" in our mark-up, which had followed the words, "on behalf of \* \* \*" but did not want to exclude an institution which provides services on behalf of any State or political subdivision of a State.

Now, here is why we want that language left in: Supposing a State closes down a State institution such as a nursing home or an orphanage or some other facility, and places the residents in other facilities, pays for the residents, make referrals to those facilities and acts as a partner with the facility. It can be said that the institution is acting on behalf of the State. Now, we do not want to immunize any person of facility from liability for actions which are on behalf of the State or similarly covered under the nexus of civil rights laws. We think it would be a big mistake to knock out that language, and we may unintentionally be really harming our bill. So, I rise in strong opposition to the amendment.

Mr. GUDGER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from Ohio.

The gentleman would limit the term "institution" to only those facilities which are owned, operated, or managed by a State or political subdivision of a State, and which are for the purposes listed in subparagraph (B) of the first section.

First, I would like to note that the term "institution" as already defined in H.R. 10 is narrower than the same term defined during the 95th Congress in H.R. 9400. An amendment proposed by me was adopted by the subcommittee to delete the words, "or pursuant to a contract with \* \* \*."

Now, that amendment clarifies that a private facility which has a contract with the State, for example, to render medicare or medicaid services, could

not, based solely on that contract, be brought within the scope of H.R. 10. In general, H.R. 10 does not cover private facilities. Certainly purely private conduct, no matter how wrongful, is not subject to suit under this legislation. H.R. 10 could cover a private facility only if that facility were providing services on behalf of a State or political subdivision, a situation which could exist under the circumstances mentioned by the gentleman from Illinois (Mr. RAILSBACK) when he suggested that a State could close down a facility and assign to a private institution by contract or otherwise the function of rendering that particular traditional State service. Such a facility under H.R. 10 would have a public nexus, and it should not be immune from suit under this legislation.

I am afraid that the amendment offered by the gentleman from Ohio would exempt a private institution which is acting for the benefit of the State and at the request of the State and rendering a service traditionally rendered by the State from having that public nexus. He would exclude that institution from accountability. I think this does damage to the essential purpose of this legislation, narrows it too much and defeats its ultimate purpose of making sure those services which a State has traditionally rendered to its citizens should be accountable by the State and by those who operate for the State or on behalf of the State or in the place of the State.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. GUDGER. I will be happy to yield.

Mr. KINDNESS. Is the gentleman indicating that it is his thinking and intention that the private institution that incidentally cares for medicare or medicaid patients would not indeed be covered by this language?

Mr. GUDGER. Certainly it was my intent when I offered the amendment in the subcommittee deleting the words, " \* \* \* by contract with \* \* \*" that that be the effect of this legislation. That is that private institutions which are taking the place of the State in rendering traditional State services, such as to the mental patient, to the prison inmate, to the handicapped or seriously retarded child, that these would be the classes that would be subject to litigation by the Attorney General. Certainly persons are exempt who are receiving private services under contract of their own negotiation with a private institution which is rendering some form of nursing or rest home care.

□ 1300

We discussed in subcommittee, as the gentleman will recall, that there are about 125,000 different rest homes and nursing homes in the United States, and that it was certainly not the sense of the subcommittee that all of these, just because they provided some medicare- or medicaid-funded service, would be subject to litigation under this act.

Mr. KINDNESS. I thank the gentleman for that assurance of his intention, and if I felt it was really shared by the other proponents of the bill, I would feel a lot more comfortable about it, and the need for this amendment would perhaps

be erased. However, the adherence to the desire to maintain this language in the bill has caused me to feel quite uncomfortable about what the intention really is.

Mr. GUDGER. I certainly honor the gentleman's bona fides, and I know that he has been a very, very important member of the committee and has addressed very important concerns to the subcommittee and to the full committee concerning this and many other matters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: On page 9, strike the language beginning on line 10 through to the semicolon on line 11.

On page 9, line 16, strike "(v)" and insert "(u)".

Mr. KINDNESS. Mr. Chairman, I would draw to the attention of those who may have seen this amendment at an earlier stage when it was published in the Record, at which time it referred to striking more language down to the semicolon on line 15, that this amendment is slightly different from that which was in the Record earlier. This amendment would strike only the language contained in lines 10 and 11 that read: "a jail, prison, or other correctional facility;"

The purpose of the amendment is to remove from the term "institution" or the definition of the term "institution" a jail, prison, or other correctional facility. The Members may recall—certainly everyone who is here recalls, because everyone is on the Committee on the Judiciary I guess—there was quite a hassle on the floor last year about removing jails and prisons from the coverage of this bill. The gentleman from Pennsylvania (Mr. ERTEL) was the author of an amendment which was successful at one stage in removing jails and prisons from the coverage of the bill. The problem with this measure in the main is that we are attempting to do something that we do not have the guts to do directly, that is, to amend the Civil Rights Act for some people—for prisoners. We are providing in this measure for a grievance-procedure clearance program to be set up so that the Attorney General would give the Good Housekeeping Seal of Approval to grievance procedures adopted by State and local governments for their jails and prisons. This gives the Attorney General the "lead in" for controlling our jails and prisons through that approval procedure. Mark my word, we will see it happen if this bill passes that within a few years we will not be able to get any LEAA funds in our jurisdictions, that is, State or local, if there is a prison that does not have an approved grievance procedure that comes about under the terms of this bill. All of these things start this way. They start a little bit small, and those people down at the Department of Justice or in some other department or agency who are being paid to do something have to find some-

thing to do with their time, and they dream up things that we find it very difficult to live with in State and local government.

We also have physical facility standards that are causing quite a bit of difficulty in some of the States. Do we have to wait until the jails and prisons are closed down by Federal fiat before we recognize that we are creating a problem? Why not be cautious about this and leave jails and prisons out of this?

The high-sounding talk here, in the main, is directed at people in institutions for the mentally retarded, for mental illness, and the like, and there is where we are saying we must help these people. That is not where most of the action is going to be under this bill. Most of the action is going to be with respect to jails and prisons and correctional facilities. We do not have any business telling the States and local governments that they have got a problem, and highlight it by a lawsuit, when we have the kinds of problems that we have existing in Federal institutions.

For that matter, look at Saint Elizabeth's Hospital that comes under the Department of HEW. That is not a District of Columbia agency; that is a HEW agency. What are we doing there? Passing this bill to help things down at Saint Elizabeth's? No; it does not work that way. The Department of Justice would have to defend a claim against Saint Elizabeth's if there was a problem there of depriving people of their constitutional rights, and, indeed, there is such a problem.

Let us be reasonable about this and at least not put in jails and prisons under the coverage of institutions in this bill. That is what the bill really is all about, of course. We are trying to cut down on section 1983 cases under the Civil Rights Act, and it will not work. This bill will not do it. So why do we not pass a bill, if it is going to be passed, that at least restricts itself to what the people are saying it is supposed to be doing; help people in institutions for the mentally ill and mentally retarded, and leave jails and prisons out of it?

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the amendment. The degree of civilization in a society can be judged by entering its prisons. Dostoevsky said a long time ago. As the gentleman from California (Mr. LUNGREN) and others have suggested, it might be easy to remove prisons from coverage under this bill. We have already limited the coverage, but I plead with my colleagues not to respond to this amendment by removing prisons. We are talking about a pattern or practice of abuse of constitutional rights, not statutory rights but constitutional rights only for prisoners.

The gentleman from Ohio (Mr. KINDNESS) himself said, "Do we want to wait for the prisons to be shut down before we recognize we have a problem?" I hope the answer is no, and I hope that we will keep prisons in the ambit of this legislation. We, in fact, went through this last year. We debated this fully last year. The House expressed its will. This will is again expressed in this bill

as presently constituted. We limit the Attorney General's authority to initiate actions under this legislation covering a jail, prison, or other correctional facility to cases involving conditions which violate constitutional rights, privileges, or immunities, for example, the eighth amendment prohibition of cruel and unusual punishment. For the bill to have any credibility at all, I plead with my colleagues to reject this amendment because prisoners, even though they may not be the most popular of those who are discriminated against in our institutions, are also entitled to be protected against dehumanization and brutality. We would have failed if we were to agree to this Kindness amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, with some reluctance I oppose the amendment of my good and valued friend, the gentleman from Ohio (Mr. KINDNESS), but if we take the prisons out of this bill, we leave an enormous segment of people, of human beings, despite the circumstances which forced them to be confined, vulnerable to the very practices and patterns that this bill is designed to eradicate. It is particularly appropriate in my State of Illinois, certainly not one of the poorer States of the Union, where the prisons are literally run by street gangs from the city of Chicago and the guards are terrorized by them. God help someone if he is convicted of some offense and is thrown in there.

□ 1310

It does not do to say that the Attorney General will correct the situation, the State legislature will correct the situation, the John Howard Association will correct the situation. It has persisted. It has persisted for years. It is not getting better.

Meanwhile, the priorities and attention of our State legislatures throughout the country, our Congress, are attracted to other things.

We have advocates for funding the humanities and the arts. We have advocates for highways. We do not seem to have any people lobbying to make the prison conditions a little less barbaric than they have been year after year after year.

Now, I do not want to impose burdensome costs on the already limited treasuries of the States and they are demanding balanced budgets of the Federal Government. Some of them have surpluses, but, believe me, if you have a certain amount of tax dollars available to you you must have your priorities. Treating human beings like animals in a zoo, which might be an improvement for the way they are treated in some of the jails, and in the jails in my own State I am ashamed to admit, it does not seem to me the way we ought to go.

This bill simply provides one more door to walk through under certain controlled conditions. Prisoners, the prison system and penal reform is the great untapped, unresolved problem of our

time. I submit that to pass this amendment would be a giant leap backward from doing the slightest little thing about this problem and I hope this amendment is defeated.

Mr. GUDGER. Mr. Chairman, I move to strike the requisite number of words and I will speak in opposition to the amendment.

I wish to commend the gentleman who has just spoken for his very clear definition of a very tragic problem that does exist in America. That is to provide more humane treatment in our prisons.

I would point out to the proponent of this amendment that this bill has been very, very carefully balanced to afford the States considerable protection against arbitrary or abusive institution of actions by the Attorney General, or anyone on his staff, in the provision requiring that the Attorney General must communicate with the Governor, with the attorney general of the State involved, and with the director of its prison system and give opportunity for correction of any constitutional abuses which may be gravamen of his complaint.

In addition to that, there is a process here which has peculiar application to the prison problem, and it is in section 4 of the act, in that, in any State where there has been an inmate grievance procedure adopted (so that the grievances and protests of prison inmates may have a due process proceeding) there is a stay order available so that the civil action cannot proceed until that grievance proceeding has been exhausted. This has application only to the prison problem.

As pointed out by the chairman in his opening remarks in opposition to this amendment, with which I fully concur, only the deprivation of a constitutional right can trigger any action by the Attorney General against the State on account of any abuse of adult prisoners.

We do not have as broad a spectrum of relief for them as is afforded for others.

Mr. Chairman, I contend the bill has been very, very carefully reasoned out and when the subcommittee and the committee declined or rejected this amendment proposed by the gentleman from Ohio (Mr. KINDNESS), in all good faith I know, they did so feeling that this is a segment of society where the institutionalized particularly require the professional attention of the Attorney General. I am immensely gratified to be able to point out that the Attorney General's representative in testifying before our committee said he did not anticipate that in all this spectrum of litigation there would be more than four or five cases per year instituted by that office, including prison offenses.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield to me?

Mr. GUDGER. I will be happy to yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, on the last point the gentleman made, I think he has just pointed up why we do not need this bill. The Attorney General, himself, has said 4 or 5 cases a year would be involved. Let us take that part out.



I just wonder if the gentleman would agree, however, that nearly all the situations which give rise to deprivation of constitutional rights or privileges in jails and prisons involve the need for more funds. That is more personnel, better facilities and what have you, so as to maintain the kind of control so we do not have in the jails and prisons the kind of situation to which the gentleman from Illinois (Mr. HYDE) referred.

It all takes money and there is no money in this bill. We have given every consideration to the States except the ability to overcome the problems.

Mr. GUDGER. I would like to respond in this fashion. In North Carolina we found ourselves confronted with a burgeoning prison population. We had to adopt an automatic parole procedure. We had to increase the size of our parole board. We had to do many things to try to reduce that population so they could have more humane conditions as a result of a reduced population.

There are many ways to deal with this problem other than spending additional dollars.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, under the leadership of the chairman of this subcommittee, the Subcommittee on Courts, Civil Liberties and Administration of Justice, for about the last 4 years has been making a series of visits to correctional facilities. I must say before we embarked on our prison visits and our jail visits I really had no idea, I had no idea what the conditions were in many of our correctional facilities. I want to preliminarily point out that the conditions are not only bad in some institutions for the inmates or the offenders, they are very bad for the people who are the correctional officers or guards.

Without a doubt, most of the facilities we visited are archaic, they are outmoded and they are antiquated. However, in many of our correctional facilities in this country, the prison administrators are well motivated. They are as well motivated as we are. The correctional officers are well motivated, a majority of them trying to do a good job under tremendous adverse circumstances.

However, without a doubt, there are some institutions, some few institutions in some few States where, when we visited with the inmates, we were told of tear gassing, we were told of hosing, we were told of assaults and, as I understand it, the thrust of this bill is meant to deal with those very few instances where three things have happened:

First, there has been a system or pattern of abuse.

Second, there must be grievous harm to the people who have been abused or deprived of their constitutional rights.

A third thing is mentioned by my friend, the gentleman from North Carolina (Mr. GUDGER). We made a distinction in this bill, kind of an accommodation, so that we distinguish between the treatment that we protect as far as mental health people and prisoners are concerned.

A final point I want to make is before the Attorney General could ever move into a State there would have to be those three things, including a deprivation of constitutional rights.

□ 1320

So I think with all the protections that we afford in this bill it would be tragic to take out prisoners when we know that there are something like 300,000 prisoners in our Federal and State penitentiaries, 36 percent of that number under the age of 25; so I urge the defeat of the amendment.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, I would like to ask the gentleman, the bill says in section 2 that whenever the Attorney General has reasonable cause to believe that this might occur. I would like to ask the gentleman, who would investigate the allegations and how would that process be carried out?

Mr. RAILSBACK. As I understand it at the present time, there is a special litigation section which is responsible for the institutions' litigation and it presently has a staff of 30 people. There are 18 lawyers and others of professional and clerical personnel.

It would be our expectation, incidentally, that we would not have to really raise the staff level, because there already is a staff in place. My understanding is that there have been some cases, for instance, when the court itself has actually asked the Department of Justice to investigate. I think there have been others where maybe an inmate has alleged a pattern of abuse or extensive pattern of abuse. Then I think that the litigating section that I mentioned would be the ones that would send out a team and would investigate; but it is most important, I think, to remember that before anything would be initiated, there would have to be notice to the State to try to permit it to correct whatever might be the alleged deficiency.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has again expired.

(At the request of Mr. BETHUNE, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. Mr. Chairman, if the gentleman will yield further, I understand that presently throughout the country there are a great number of lawsuits that are being tried in the Federal district courts to try to decide minimum standards for certain institutions.

I wonder if the gentleman has any idea how many manhours are being spent by private attorneys in those cases now and in the event this legislation is passed will the Attorney General then be responsible for taking over that sort of litigation and, if so, how will he meet that burden, inasmuch as I anticipate a deluge of complaints once this law is enacted.

Mr. RAILSBACK. Mr. Chairman, if I could just respond, I think that it is our belief that this would not result in any kind of deluge. As a matter of fact, the witnesses that testified before our com-

mittee indicated that they would use this very sparingly, that is my understanding. As a matter of fact, they believe it is only necessary for two additional staff attorneys.

I think the Justice Department is not going to either initiate or intervene unless there is really a serious pattern of abuse.

I would also say to the gentleman that that really, as I understand it, is our intent. We do not want the Department of Justice to go out with an increased bureaucracy to run all over the country looking for problems; but we do think we need this authority which they once had, which I think in the past they used very wisely.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. Yes, if I have the time, I will yield.

Mr. KINDNESS. Mr. Chairman, for further elucidation on that, I was trying to find it in the committee report, but there is a place in the committee report where it says the Justice Department can call on the FBI, of course, to conduct thorough investigations of institutions, taking photographs and collecting relevant data on institutional conditions and the Department then, we are told, can call upon the Federal Bureau of Prisons, the LEAA, and even the Department of Health, Education, and Welfare, to evaluate that data.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I want to say, I find it a little strange to have the argument advanced that we should include money in the bill to, in effect, subsidize or pay a State to not deprive a citizen and a resident of his constitutional rights. It seems to me that any State that opts to institutionalize people has an inherent obligation of according to them their legal and constitutional rights.

Very recently in Michigan on referendum we repealed or voted to eliminate good time in our prisons. As our Governor, Governor Milliken, recently pointed out, this is going to require the building of some four additional penal institutions in the State and he also pointed out that by voting to eliminate good time he felt there was a clear implied authority by the people of the State to bear the additional tax burden of constructing those institutions. I see no argument, based on the fact that we are not providing money to the States so that they will accord their people the rights protected to them under the Constitution.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could address a question to complete this colloquy with the ranking member of the subcommittee, we were in the midst of discussing the issue from the point of view of whether or not this is going to be an increase in the bureaucracy. In response to the gentleman's question, the gentleman referred to the special litigation section existing in the Justice Department in dealing with institutionalized litigation matters.

Was it not the testimony of the Justice Department that it was their expectation

that with the enactment of H.R. 10 we would not increase appreciably the number of suits which the Department has been involved in?

Mr. RAILSBACK. Mr. Chairman, would the gentleman yield?

Mr. FISH. I would be happy to yield to the gentleman from Illinois.

Mr. RAILSBACK. Yes; that is exactly my understanding. If I could, I would just like to mention that there are 24 so-called mental health type cases presently pending. Ten of those are amicus; 14 are the plaintiff-intervenor status, and then there are 16 relating to prisons or jails. Of that number, 6 are amicus and 10 are plaintiff-intervenor status.

Now, I think it is significant that even including the Solomon case, which is the reason we are acting today, there were only three instances where the Department of Justice had initiated.

Mr. FISH. Mr. Chairman, may I ask one other question of the gentleman that I think is important. Let us assume this amendment prevails—

Mr. RAILSBACK. Let us hope not.

Mr. FISH. There are avenues for the inmate to pursue in the exercise of his constitutional rights, but would not the gentleman say that in the absence of the presence of the Attorney General of the United States, it would be very difficult for one prisoner to ever prove adequately in court a pattern and practice existing throughout the entire institution.

Mr. RAILSBACK. Well, if the gentleman would yield, I would think that it would be extremely difficult to prove. I think it is true probably only in the most heinous type cases.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I am glad to yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, the gentleman's inquiry seems to go to the question of how many attorney man-hours would be used in the event that this amendment fails, both in the Department of Justice and perhaps at the State level. Perhaps the gentleman knows, I spent 4 years in the FBI investigating cases. I am not so much concerned with the amount of attorney hours, either in the Department of Justice or at the local level that would be spent on suits of this nature. What I am concerned about is the amount of investigative hours that would be used when the FBI is already overburdened with investigative matters. I am concerned to know whether or not the committee inquired of the FBI whether or not they could handle the additional workload here.

Mr. FISH. Well, I am not in a position to answer the gentleman, but I would be glad to yield to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding. Not being a member of the subcommittee, I also did not hear anything on this; but my understanding on this is, and the committee report indicates that, the burden of investigation would be placed on the FBI.

□ 1330

There is no question that just on the basis of reasonable speculation there will be quite an upsurge in demand for investigative time. The Department of Health, Education, and Welfare can also be called upon, and if we do not have any estimate of what it would cost over there, I think it is rather absurd to have before us a committee report pointing out that it is projected this bill is only going to cost \$81,000 in fiscal year 1980. That is just unbelievable, unreal, and unrealistic.

Mr. BETHUNE. Mr. Chairman, if the gentleman will yield further, as the author of the amendment I am sure he sees my point. While we can cite the number of cases that are being tried along this line in Federal district court, that is one thing. But that is only the tip of the iceberg.

The CHAIRMAN. The time of the gentleman from New York (Mr. FISH) has expired.

(On request of Mr. BETHUNE, and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. Mr. Chairman, will the gentleman yield further?

Mr. FISH. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, that is just the tip of the iceberg. Beneath the surface there are a great many investigative man-hours that are burned up in this kind of investigative work.

I am concerned to know, before I vote on this measure, just what the expectation is in that regard. I envision under the bill as drawn that the Attorney General might have a reasonable cause to believe that if he were to receive two affidavits from an inmate in a penitentiary, that would immediately cause him in the interest of thoroughness to ask the FBI to undertake an investigation.

Mr. FISH. Mr. Chairman, I will yield to a member of the subcommittee to respond.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I want to thank the gentleman for yielding.

Let me just read one other part of the testimony by the Justice Department which I think I neglected to read before, and that is this:

It would be our expectation that with the enactment of this legislation we would not increase appreciably the number of suits that we have been involving ourselves in.

So my reaction is that they do not expect to do much more or impose any more hardships on even the Federal Bureau than they have in the past, and when we look at their history of involvement in the past, it really is quite minimal.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I do not think there is any mandate that the FBI handle all these investigations. Many of them are done by newspapers and by undercover people. They can be done by the John Howard Association and people who are concerned, including the League of Women Voters, whose members visit nursing homes and places like that. It does not have to be the FBI.

Mr. Chairman, when we start putting a dollar sign on people's constitutional rights, our priorities are getting mixed up.

The CHAIRMAN. The time of the gentleman from New York (Mr. FISH) has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The question was taken; and on a division (demanded by Mr. KINDNESS) there were—ayes 5, noes 18.

Mr. KINDNESS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1340

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Ohio (Mr. KINDNESS) for a recorded vote.

Does the gentleman from Ohio insist on his demand for a recorded vote?

Mr. KINDNESS. Mr. Chairman, I do indeed insist on my demand.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KINDNESS: On page 9, line 15 strike "or for any other State purpose".

Mr. KINDNESS. Mr. Chairman, the purpose of this amendment is to make it clear that this bill will not cover such things as the operation of public schools. That may seem just a little bit of a stretch, when you read the language of the bill that is sought to be dealt with, but if you will look carefully at the definition of "institution" on page 9, and then look at the exculpatory language included in the committee's report on page 18, you will see that the committee report deals somewhat tenderly with the subject of whether the language "or for any other State purpose" belongs in this bill.



The problem with the definition of the word "institution" is that it would allow to be covered by the bill any facility or institution for juveniles held awaiting trial or residing for purpose of receiving care or treatment," or for any other State purpose."

Juveniles are indeed held in schools until the bell rings, at least—and we all remember that—for a State purpose: education.

That alone would not worry me quite so much, but then if we look at the committee report, on page 18, near the bottom, says:

The fourth facility or institution covered is any which is "for juveniles held awaiting trial or residing for purposes of receiving care or treatment or for any other State purpose". It is the intent of the committee that the term "juveniles" as used in this act means persons who are treated as juveniles by the relevant State or political subdivision of the State in which the institution is located or from which the juvenile has been placed. This term is intended to include any home, orphanage, residential school, or any housing or education setting in which juveniles reside or are held for any State purpose. The committee does not intend to cover non-residential elementary or secondary schools, or public colleges and universities.

There is no other State purpose that has been cited to be considered. Why do we resort to confusing statutory language, namely, "or for any other State purpose," when nobody can tell us what it is there for and we have such rather odd language in the committee report to further confuse this situation?

Indeed, the language in the committee report muddies the water considerably, and I think that it is intended to include any education setting in which juveniles are held for any State purpose.

□ 1350

Now we must strike this language from the bill in order to clarify it, but those who will argue in opposition to this amendment will tell you, "Well, it is perfectly clear. The committee report makes it clear."

Why do we write bills, why do we write laws, that are confusing and uncertain and ambiguous? I do not know why, but we do it all the time. Sometimes we include such exculpatory language as is on page 18 of the committee report, but it does not help, because the words of the bill are clear enough that a court can determine that another State purpose is being served; and the court is not going to look at the legislative history if that is the case.

We have before us an amendment that allows us to clarify the bill in at least one important respect. I do not quite understand why the proponents of this measure have been so jealous of its provisions and so certain that they are right in every jot and tittle and every word that is in the bill, but here is one clear-cut case where no purpose has been cited for the existence of the language that this amendment seeks to strike.

Let us do it.

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the amendment.

This language has been in this legislation and in predecessor legislation in the last Congress as a result of testimony by both the Department of Justice and the Children's Defense Fund.

The language is necessary, because some States do place juveniles in facilities for purposes other than for care or treatment, such as protection. Sad as it may seem, some juveniles under State protection have come to great harm.

We do not want to exclude from coverage any juvenile residential facility which the State may use for some purpose other than solely care or treatment.

As was pointed out, the report at page 18 makes it very clear the bill does not cover nonresidential elementary or secondary schools or public colleges or universities.

I might parenthetically add, the gentleman from New York (Mr. BIAGGI), is not here today. If he were, he would like to have raised the question of whether certain foster homes in which the State either operates or places children under certain conditions would be included. Such foster homes, of course, in part are for the purpose of protection of children, sometimes from parental abuse. This is the area particularly we want to protect.

I would have in a colloquy told the gentleman from New York (Mr. BIAGGI), that the term the gentleman from Ohio wishes to strike would have protected the children he sought to protect.

Mr. Chairman, I urge that the amendment be defeated as it was in the committee.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield on that point for clarification?

Mr. KASTENMEIER. I am happy to yield to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Is the gentleman indicating that the interpretation that would be appropriate is that foster homes where juveniles are placed for protective care, would indeed be covered by this language?

Mr. KASTENMEIER. Not necessarily the home itself, unless the home were an institution wherein a pattern or practice could exist where a sizable number of juveniles were assigned by the State for a State purpose.

If the home were an individual home, a residential home, operated by, we will say, a family, and where there are only one or two children, then the home itself would not be included, but the State could be cited if its pattern or practice of assignments constituted collectively in the aggregate an abuse. That would be covered in terms of the State and the State act itself.

Mr. KINDNESS. Would the gentleman agree, though, that in those cases we are talking about care, residential care, that is already offered in one way or another? I am still having difficulty with "any other State purpose."

Mr. KASTENMEIER. I do not agree with the gentleman that "care" necessarily covers that situation.

For that reason, we would urge the defeat of the gentleman's amendment, so

that we could be clear that this particular type of situation could be covered.

Mr. KINDNESS. But the gentleman would say though that the coverage of the bill could extend as far as foster care in an institutionalized setting with numbers of people residing there, and it could further extend to the problems that the State has or might have in administering a program in a nonconstitutional way involving the placement of juveniles in private homes for foster care?

Mr. KASTENMEIER. The gentleman is correct. I would like to take a moment to address one other issue.

Some have expressed the concern that the Department of Justice will somehow be empowered to determine medical policy under this legislation. While I can appreciate this concern, the intent of this legislation is to empower the Attorney General only to seek Federal court ordered relief from violations of constitutional and other Federal rights. It will be the courts which determine if constitutional minima are being ignored to such a degree that medical care and other professional services must be addressed, and in making that judgment the courts would most appropriately consult expert medical and professional witnesses who would guide the courts in fashioning appropriate equitable relief.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this particular amendment.

I support this bill because I think the reasons for it are worthy and that there is an absolute necessity for this type of approach for the various reasons that have been articulated here.

But I do think we ought to take a look at this particular amendment; because I think it points out one of the problems that seems to arise when we attempt to put good, legitimate reasoning into legislation, and that is the possibility of overreaching or overstatement.

Despite the fact that our particular report suggested that the phrase "or for any other State purpose," does not in this instance refer to schools, I would suggest that there would be a very easy interpretation to be utilized by a court at some future date.

Not only that, there has been some talk about particular circumstances with respect to foster-home situations. If that happens to be a purpose of this bill, then I think we ought to spell it out and not leave language as open-ended as "or for any other State purpose." Certainly, I cannot stand here in this well and try to conceive of all those "legitimate" interpretations that will come under such an open-ended statement.

I suggest that no one here could stand in this well and tell us exactly what that means, what "reasonable" interpretations are to be found by courts and by the Attorney General in attempting to carry out what he thinks the mandate of this bill is.

Overall, I think this is a worthy bill. I think it needs the support of my colleagues. But it needs improvement. I ask that my colleagues support this amendment so that we will not have an open-

ended section of the bill. Even though we have attempted, in one report, to possibly eliminate its coverage for school systems, we have not fully thought out the other circumstances that could just as "reasonably" apply and for which this would be an overreaching.

This bill is to help us take care of extreme examples in an area where many levels of government—State, local, and Federal—have not taken a real hard look—such as prisons, and institutions that care for those who are disabled in one way or another. But really, let us not allow ourselves to use language that would extend this to areas that we do not consider here, that we do not imagine at this present time, and which would lay us open to the criticism that this is a bill which really does overreach the proper functions of the Federal Government.

Mr. RAILSBACK. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I am concerned about the amendment for a practical reason, and I would feel much more assured if I could be persuaded that the bill would cover the various people who are in custody of the State for something other than treatment or care.

One of the reasons that I am worried about striking out this language is the case called Gary W. against Stewart, which is a Louisiana case, which raises some questions, at least in my mind—that if we strike this language, we may unintentionally be omitting some of the categories of people who were involved in the Gary W. case.

In the Gary W. case, the Department intervened to enjoin Louisiana from its practice of sending—and note these categories—"emotionally disturbed, mentally retarded, delinquent, neglected, and abused children to privately operated child-care facilities in Texas."

□ 1400

The Department conducted discovery in 38 child-care facilities spread across the State of Texas, and documented such practices as child beatings, solitary confinement, massive overdrugging, and even willful refusal to provide lifesaving medical care. What I am worried about is whether, if we strike this language, we may be leaving out, for instance, children that are simply under the care of the State or have perhaps been farmed out to another State to provide that care. So, I think when we recognize that, and then when we read the language of the report which goes to the concern expressed by my friend from Ohio (Mr. KINDNESS), then I think we should oppose the amendment.

I want to mention that the report language says this:

It is the intent of the committee that the term "juveniles" as used in this Act means persons who are treated as juveniles by relevant State or political subdivisions of the State in which the institution is located, or from which the juvenile has been placed.

This is the question remaining:

This term is intended to include any home, orphanage, residential school or any housing or education setting in which juveniles reside or are held for that State purpose. The

committee does not intend to cover non-residential elementary or secondary schools or public colleges and universities.

I kind of think that report language handles the problem.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield for clarification?

Mr. RAILSBACK. I yield.

Mr. KINDNESS. I was having a little difficulty with the explanation of the gentleman's position with regard to these other purposes that might be involved. Earlier there was cited an example of a juvenile receiving care in some unusual setting, but it does seem to me that there ought to be more confidence in the language already in the bill preceding this that defines "institution" to include facility or institution for juveniles held awaiting trial or residing for the purposes of receiving care or treatment.

That seems to be really fairly broad, and covers most of what we could possibly contemplate, but then we follow that with, "or for other State purposes."

I still cannot understand that the language preceding that is not adequate.

Mr. RAILSBACK. If I could just respond by saying that I understand the gentleman's concern which he has expressed very well. On the other hand, I guess that I am concerned that if we adopt the gentleman's amendment we may be omitting from the coverage of our bill somebody that may not literally be receiving treatment or care, but may be in custody; somebody that may be a neglected child, not receiving any treatment or care, but simply in custody.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. KINDNESS and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. If the gentleman would yield further on that—

Mr. RAILSBACK. I would be happy to yield.

Mr. KINDNESS. My concern is that there has been no example cited that I can understand that says there is a problem that exists somewhere else within this broad range of "or for any other State purpose."

Does the gentleman have a feeling that there has been an abuse that has to be dealt with?

Mr. RAILSBACK. The one example I cited, which as the gentleman knows is the Gary W. case, and the categories were cited in that case. I am not sure whether the existing language, if we adopt the gentleman's amendment, would really cover all these categories. I guess I am particularly concerned.

Mr. KINDNESS. Mentally retarded, delinquent, neglected, and abused children.

Mr. RAILSBACK. What happened in that case is that they are not all juveniles. Some of them may be neglected children. They came under the custody of the State, maybe not for treatment or care, but they came under the custody of the State and then they were farmed out to Texas by the State of Louisiana,

and then they documented that there were a number of instances where there was some very serious mistreatment of all of those categories of children.

Mr. KINDNESS. The gentleman would agree, perhaps, that the other part of the definition would cover persons more broadly than juveniles who are mentally ill or retarded, and so forth?

Mr. RAILSBACK. Yes, I do.

Mr. KINDNESS. That is already covered.

Mr. RAILSBACK. I do concede that.

Mr. KINDNESS. But we are dealing here with just juveniles in this part of the definition, and with respect to just juveniles other than those receiving care or treatment, we do not know what it means.

Mr. RAILSBACK. I thought I just gave the gentleman an example.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KINDNESS).

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States, pursuant to House Resolution 241, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 62, not voting 30, as follows:



[Roll No. 165]

## YEAS—342

Abdnor  
Addabbo  
Akaka  
Albosta  
Alexander  
Ambro  
Anderson,  
Calif.  
Andrews, N.C.  
Andrews,  
N. Dak.  
Annunzio  
Anthony  
Applegate  
Ashley  
Aspin  
Atkinson  
AuCoin  
Bafalis  
Bailey  
Barnes  
Beard, R.I.  
Beard, Tenn.  
Bedell  
Bellenson  
Benjamin  
Bennett  
Bereuter  
Bethune  
Bevill  
Bingham  
Blanchard  
Boggs  
Boland  
Bolling  
Bonar  
Bonior  
Bonker  
Bouquard  
Bowen  
Brademas  
Breaux  
Brinkley  
Brodhead  
Broomfield  
Brown, Calif.  
Buchanan  
Burgener  
Burlison  
Burton, John  
Burton, Phillip  
Butler  
Byron  
Campbell  
Carr  
Cavanaugh  
Chappell  
Chisholm  
Clausen  
Clay  
Clinger  
Coelho  
Coleman  
Collins, Ill.  
Conte  
Corcoran  
Corman  
Cotter  
Courter  
D'Amours  
Danielson  
Daschle  
Davis, Mich.  
Davis, S.C.  
de la Garza  
Deckard  
Dellums  
Derrick  
Derwinski  
Dickinson  
Dicks  
Diggs  
Dingell  
Dixon  
Dodd  
Donnelly  
Dornan  
Dougherty  
Downey  
Drinan  
Duncan, Oreg.  
Duncan, Tenn.  
Early  
Eckhardt  
Edgar  
Edwards, Ala.  
Edwards, Calif.  
Emery  
English  
Erdahl  
Erlenborn

Ertel  
Evans, Del.  
Evans, Ind.  
Fary  
Fasell  
Fazio  
Fenwick  
Ferraro  
Findley  
Fish  
Fisher  
Fithian  
Flippo  
Flood  
Florlo  
Foley  
Ford, Tenn.  
Fountain  
Fowler  
Frenzel  
Frost  
Fuqua  
Garcia  
Gaydos  
Gephardt  
Glaime  
Gilman  
Gingrich  
Ginn  
Glickman  
Gonzalez  
Goodling  
Gore  
Gradison  
Gray  
Green  
Guarini  
Gudger  
Guyer  
Hagedorn  
Hall, Ohio  
Hall, Tex.  
Hamilton  
Hammer-  
schmidt  
Hanley  
Harkin  
Harris  
Harsha  
Hawkins  
Heckler  
Hefner  
Hefel  
Hightower  
Hillis  
Holland  
Hollenbeck  
Holtzman  
Hopkins  
Horton  
Howard  
Hughes  
Hyde  
Ireland  
Jacobs  
Jeffords  
Jenkins  
Johnson, Calif.  
Johnson, Colo.  
Jones, N.C.  
Jones, Okla.  
Jones, Tenn.  
Kastenmeier  
Kazen  
Kemp  
Kildee  
Kostmayer  
LaFalce  
Latta  
Leach, Iowa  
Leach, La.  
Lederer  
Lee  
Lehman  
Leland  
Lent  
Levitas  
Lloyd  
Long, La.  
Long, Md.  
Lowry  
Lujan  
Lungren  
McClary  
McCloskey  
McDade  
McHugh  
McKay  
McKinney  
Madigan  
Maguire

Markey  
Marlenee  
Marriott  
Martin  
Matsui  
Mattox  
Mazzoli  
Mica  
Michel  
Mikulski  
Mikva  
Miller, Calif.  
Mineta  
Minish  
Mitchell, Md.  
Mitchell, N.Y.  
Moakley  
Moffett  
Mollohan  
Moorhead,  
Calif.  
Moorhead, Pa.  
Murphy, Ill.  
Murphy, N.Y.  
Murphy, Pa.  
Murtha  
Myers, Ind.  
Myers, Pa.  
Natcher  
Neal  
Nedzi  
Nelson  
Nichols  
Nowak  
O'Brien  
Oaker  
Oberstar  
Obey  
Ottinger  
Panetta  
Pashayan  
Patten  
Patterson  
Pease  
Pepper  
Perkins  
Petri  
Peyser  
Pickle  
Preyer  
Price  
Pritchard  
Pursell  
Quayle  
Quillen  
Rallsback  
Rangel  
Ratchford  
Regula  
Reuss  
Rhodes  
Richmond  
Rinaldo  
Roberts  
Robinson  
Rodino  
Roe  
Rosenthal  
Rostenkowski  
Roybal  
Royer  
Russo  
Sabo  
Santini  
Sawyer  
Scheuer  
Schroeder  
Schulze  
Sebelius  
Seiberling  
Sensenbrenner  
Shannon  
Sharp  
Shelby  
Simon  
Skelton  
Slack  
Smith, Iowa  
Smith, Nebr.  
Snowe  
Snyder  
Solarez  
Spellman  
St Germain  
Stack  
Staggers  
Stangeland  
Stanton  
Stark  
Steed

Stewart  
Stockman  
Stokes  
Studds  
Swift  
Synar  
Tauke  
Thompson  
Traxler  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Vento

Volkmer  
Walgren  
Walker  
Wampler  
Watkins  
Waxman  
Weaver  
Weiss  
White  
Whitehurst  
Whitley  
Williams, Mont.  
Williams, Ohio  
Wilson, Bob  
Wilson, C. H.

Willson, Tex.  
Winn  
Wirth  
Wolff  
Wolpe  
Wydler  
Wylie  
Yates  
Yatron  
Young, Fla.  
Young, Mo.  
Zablocki  
Zeferetti

## NAYS—62

Archer  
Ashbrook  
Badham  
Barnard  
Bauman  
Broymill  
Carny  
Cheney  
Cleveland  
Collins, Tex.  
Conable  
Crane, Daniel  
Daniel, Dan  
Daniel, R. W.  
Dannemeyer  
Devine  
Edwards, Okla.  
Gibbons  
Goldwater  
Gramm  
Grassley

Grisham  
Hance  
Hansen  
Hinson  
Holt  
Huckaby  
Hutto  
Ichord  
Jeffries  
Kelly  
Kindness  
Kogovsek  
Kramer  
Lagomarsino  
Lewis  
Livingston  
Loeffler  
Lott  
McCormack  
McDonald  
McEwen

Miller, Ohio  
Montgomery  
Moore  
Mottl  
Paul  
Roussellot  
Rudd  
Satterfield  
Shumway  
Shuster  
Solomon  
Spence  
Stenholm  
Stump  
Taylor  
Thomas  
Treen  
Whittaker  
Whitten  
Wyatt

## NOT VOTING—30

Anderson, Ill.  
Baldus  
Blaggi  
Brooks  
Brown, Ohio  
Carter  
Conyers  
Coughlin  
Crane, Philip  
Evans, Ga.

Ford, Mich.  
Forsythe  
Hubbard  
Jenrette  
Leath, Tex.  
Luken  
Lundine  
Marks  
Mathis  
Mavroules

Rahall  
Ritter  
Rose  
Roth  
Runnels  
Stratton  
Symms  
Trible  
Wright  
Young, Alaska

## □ 1420

The Clerk announced the following pairs:

Mr. Baldus with Mr. Marks.  
Mr. Blaggi with Mr. Anderson of Illinois.  
Mr. Runnels with Mr. Brown of Ohio.  
Mr. Wright with Mr. Forsythe.  
Mr. Brooks with Mr. Ritter.  
Mr. Ford of Michigan with Mr. Roth.  
Mr. Jenrette with Mr. Young of Alaska.  
Mr. Leath of Texas with Mr. Coughlin.  
Mr. Stratton with Mr. Symms.  
Mr. Rose with Mr. Trible.  
Mr. Rahall with Mr. Philip M. Crane.  
Mr. Lundine with Mr. Mathis.  
Mr. Conyers with Mr. Carter.  
Mr. Evans of Georgia with Mr. Mavroules.  
Mr. Hubbard with Mr. Luken.

Mr. MURPHY of New York changed his vote from "nay" to "yea."

Mr. LEWIS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 10, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

# PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation and the Committee on Public Works and Transportation may be permitted to sit tomorrow during the 5-minute rule.

Mr. BAUMAN. Mr. Speaker, reserving the right to object, did the gentleman from Georgia ask permission for the full Committee on Public Works and Transportation to sit as well?

Mr. LEVITAS. I did, Mr. Speaker.

Mr. BAUMAN. Mr. Speaker, has the committee minority been advised of this request and have they agreed thereto?

Mr. LEVITAS. Mr. Speaker, I have spoken to the ranking member of the subcommittee and the ranking member of the full committee. They have no objection.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

# REPORT ON RESOLUTION PROVIDING PROCEDURES DURING FURTHER CONSIDERATION OF S. 869, ETHICS IN GOVERNMENT ACT

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96-212) on the resolution (H. Res. 281) providing procedures during the further consideration of the bill (S. 869) to amend section 207 of title 18, United States Code, which was referred to the House Calendar and ordered to be printed.

# PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

# INCREASING AUTHORIZATION FOR FUNDING DISTRICT OF COLUMBIA SHARE OF METRO CONSTRUCTION COSTS

Mr. BOLLING. By direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget

Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3914) to amend the National Capital Transportation Act of 1969 to increase the amount authorized for the District of Columbia share of the cost of the rapid transit system of the National Capital region, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1430

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, there was no controversy on this rule. It is a very straightforward, 1-hour open rule. I know of no opposition to it.

Mr. Speaker, I reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for the consideration of the bill, H.R. 3914, to increase the amount authorized for the District of Columbia's share of the cost of the rapid transit system.

This is an open rule, providing for 1 hour of general debate. There is a waiver of section 402(a) of the Congressional Budget Act, since the bill would authorize additional funds for the 1979 fiscal year and should have been reported by May 15, 1978. The Budget Committee has agreed to this waiver because, according to Chairman GAIAMO, additional funding for fiscal year 1979 would be necessary in order to enable the District to qualify for Federal matching funds for Metro. The funds are also needed to support various Metro capital projects, particularly the purchase of about 90 new railcars on which bids are scheduled to be opened May 23.

H.R. 3914 would remove the ceiling imposed by the National Capital Transportation Act of 1969 to allow the District of Columbia to contribute such sums as necessary to fulfill its obligation under the Washington metropolitan transit authority compact. Since the cost of Metro has increased, all local governments must increase their contributions to it, and this legislation would allow the District of Columbia greater flexibility in meeting its requirements to the rail system.

The legislation specifically removes the limitation on the amount authorized as capital contributions to the Metro system but would involve no direct cost to the Federal Government.

Mr. Speaker, I support the adoption of House Resolution 278 so that we may proceed to the consideration of H.R. 3914.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I thank the gentleman from Mississippi.

I do not rise in opposition to the rule, but I do think the Members ought to look a little more closely at the legislation before us. The tendency is, I think, a great many times to assume that District of Columbia legislation is the province of the local government. The committee reports out the legislation. The argument is made that we should support home rule and, therefore, we should allow the District to have discretion to act.

Now, it is true that this bill that will shortly be before us removes a statutory limitation on the amount of money that the District of Columbia can put into the Metro system. That statutory limitation now is \$269,700,000. I do not think it is an exaggeration to say that the Metro system has been one of the biggest boondoggles so far as financing that the District has ever engaged in and that is making quite a claim, because there have been so many of them, the Kennedy Stadium, or the Civic Center last year that was authorized, all of them potentially subjecting the Federal taxpayers eventually to picking up the tab.

Now, we can argue that they need more money for Metro and that under home rule they ought to decide how much more; but if we pass this legislation, in my estimation, the day will be here within a matter of months, if not weeks, when we will have to face an increased District of Columbia appropriation and Federal payment in order to make up for money diverted to Metro and other causes; so I think we should leave this limitation in place. If there is a necessity for increasing the funding for Metro, they ought to come to the Congress, home rule or no home rule, explain to us that case and then we can decide that issue; but to give them a blank check and remove this limitation, I think is a mistake.

I want to warn you also that we will be having before us shortly another bill dealing with increased funding for Metro. This is the first of a two-step process. I hope that when we vote on this legislation we will defeat it. I think the better part of prudence for our own taxpayers would call for that defeat.

I know that the gentleman from Connecticut (Mr. McKINNEY) and the gentleman from California (Mr. DELLUMS) and others will seek to overwhelm my arguments in the debate that will follow.

I thank the gentleman for yielding.

Mr. LOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DELLUMS. Mr. Speaker, I call up the bill (H.R. 3914) to amend the National Capital Transportation Act of 1969 to increase the amount authorized for the District of Columbia share of the cost of the rapid transit system of the National Capital Region, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3914

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4 of the National Capital Transportation Act of 1969 (D.C. Code, sec. 1-1443), relating to the District of Columbia contributions, is amended—

(1) by striking out "Commissioner" in subsections (a) and (d) and inserting in lieu thereof "Mayor"; and

(2) by striking out "aggregating not to exceed \$269,700,000" in the first sentence of subsection (a); and

(3) by striking out "not to exceed \$219,700,000" in the second sentence of subsection (a) and inserting in lieu hereof "such sums as may be necessary".

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in explanation of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 3914 is a bill to amend the National Capital Transportation Act of 1969, to remove the limitation on the amount authorized for District of Columbia contributions for the cost of construction of the rapid transit system of the National Capital Region.

This bill involves no Federal funds, it allows for an increased authorization for the use of District of Columbia general funds for Metro construction costs contributions. Since the cost of Metro construction has increased, it is necessary for all local governments to increase the amount of their contribution to Metro.

The authorization and appropriation of the requested \$13.2 million of fiscal year 1979 funds is necessary as the money constitutes local matching funds required for use of the District of Columbia's entitlement of interstate highway transfer funds.

The District of Columbia Government submitted on April 30, 1979, to the President a supplemental budget request for fiscal year 1979 in the amount of \$13.2 million. This supplemental money combined with the \$41 million of the District's money previously appropriated would make the District Government's fiscal year 1979 contribution \$54.2 million in capital construction and operating funds for Metrorail.

The committee has received informal indication that the House Appropria-



tions Subcommittee on the District of Columbia is not opposed to this removal of the authorization ceiling for Metro construction funds.

Mr. Speaker, I strongly support and urge favorable consideration of H.R. 3914, a bill which will allow the District of Columbia to continue to participate as a full partner in the Metro rapid rail system.

Mr. Speaker, I yield back the balance of my time.

Mr. McKINNEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of H.R. 3914, a bill to amend the National Capital Transportation Act of 1969 to increase the authorization for the funding of the District of Columbia's share of Metro construction costs.

Present law restricts the amount of money which the District can contribute as its share for the construction of Metro to \$269.7 million. The District has reached the ceiling authorization, and to remain a full partner in the construction of Metro, the ceiling authorization would have to be increased.

Since the enactment of the National Capital Transportation Act of 1969, the District has contributed \$964 million in interstate highway transfer funds to Metro and has approximately \$991 million available in interstate highway transfers to be contributed in the future. The District has appropriated \$41 million for Metro construction thus far in fiscal year 1979. However, an additional \$13.2 million is necessary to be appropriated this fiscal year to enable the District to qualify for its entitlements under the interstate highway transfer fund. Without the change in the ceiling authorization as contained in the present law, the District will not be able to appropriate the sums necessary as "local matching funds" to enable it to qualify for its full entitlement of highway transfer funds.

Mr. Speaker, during a time of gasoline shortages and exploration of ways to conserve energy, the completion of the rapid transit system for the metropolitan area as expeditiously as possible makes good sense. H.R. 3914 will create no new budget authority, tax expenditure, nor direct cost to the Federal Government. Further, passage of this bill will enable the District of Columbia to continue as a full partner in the construction of Metro with the surrounding metropolitan jurisdiction at the same level as it has over the past 10 or 12 years.

For these reasons, I urge my colleagues to join me in support of H.R. 3914.

□ 1440

I would also suggest, and I am sure the gentleman will so ably answer me—and if I am not mistaken, the gentleman from Maryland (Mr. BAUMAN) will do just that, that we do not really do ourselves justice in criticizing Metro. Metro is running well, with ridership up, and when we can say that it started off without flaw. We are the creators of a marvelous thing known as the National Visitors' Center, where we are about to bulldoze out of existence \$64 million worth of new construction and spend

another \$30 million to destroy what Congress said should be built. So there is guilt on both sides.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, the gentleman says "we" did it. He may be saying, "thee," but not "me," because over the years a great many people have raised their voices over these various boondoggles.

One of the reasons why an outside limit, as I understand it, was set on the Metro system was to guard against the very problem that plagued us, and that is the problem of cost overruns. So we find ourselves at a little bit of a disadvantage.

The SPEAKER pro tempore (Mr. RICHMOND). The time of the gentleman from Connecticut (Mr. McKINNEY) has expired.

(By unanimous consent, Mr. McKINNEY was allowed to proceed for 5 additional minutes.)

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield further, one of the problems with this has been these constant cost overruns.

Could the gentleman tell the House, for instance, what the total cost of Metro has been so far and what its projected cost is before this present plan is finished.

Mr. McKINNEY. Mr. Speaker, if the gentleman from Maryland will allow me to say this, the figure I was using, is I think, only a generic one, and I realize that is not what the gentleman from Maryland wants. No. 1, let me say neither the gentleman from Maryland, nor the gentleman from Connecticut was here when the system started.

Mr. BAUMAN. And we may not be here when it is finished either, at the rate it is proceeding.

Mr. McKINNEY. There is every possibility we may not even be alive when it is finished.

Mr. BAUMAN. Exactly.

Mr. McKINNEY. Mr. Speaker, what I would like to say to the gentleman from Maryland is that I would be delighted to have the figures made available for the gentleman, and I will supply them for the gentleman and for the RECORD under the 5-day leave for extensions.

I was completely amazed when I was informed 15 minutes ago that I would be floor-leading this bill, because I understood it was scheduled for floor action tomorrow. I do not have the figures now, but I will put them in the RECORD.

Mr. BAUMAN. Mr. Speaker, we are going to be faced shortly with additional legislation dealing with financing Metro. What will that cost be in dollar amount, as far as bonds and authorizing bonds are concerned?

Mr. McKINNEY. Mr. Speaker, this essentially will be an authorization for a period of 7 years, which will require that the States, the local authorities, and the District set forth a "stable and reliable" source of funds. The total over the period will be \$1.7 billion, which will, it is estimated, finish construction.

Virginia, Maryland and the local au-

thorities will pledge certain moneys and the District will pledge certain moneys. It will be a finished pledged system. The Secretary of Transportation will still have to come back to Congress for appropriation authority every year, but the authority itself would be passed to finish it.

That is how we will finish the system.

Mr. BAUMAN. We are looking at another \$1.7 billion at a minimum in order to complete the system?

Mr. McKINNEY. Yes, over a long period. The funding authorization starts out at \$200 million and it rises to \$375 million and levels off. Then it drops down to \$75 million for the last year.

Mr. BAUMAN. Mr. Speaker, I would just say to the gentleman that my feeling would be that if this is not an adequate ceiling, the committee might have come in with an increased ceiling. That would have set a higher level, one against which the District would have to work, so some restraint would be placed on them so they would have the necessary funds to complete it.

Mr. McKINNEY. The reason we did not put a congressionally mandated ceiling on this was because then we would have congressionally mandated the matching funds from the States and the local jurisdictions next to the gentleman's district and next to the gentleman's State, the State of Virginia and the District of the gentleman from Virginia (Mr. HARRIS).

What we did was to say that "this is going to be a mutual sharing agreement among the local areas, the States, and the District."

The gentleman will notice that the gentleman from Connecticut has not put in his commuter tax this year because the gentleman is so anxious to have all this run so very smoothly.

Mr. BAUMAN. Then will that happen, I assume, after the gentleman sees that all these bills are passed.

Mr. McKINNEY. I really would not think so. Without being facetious, I believe I could say that the gentleman's constituents have the best of both worlds.

Mr. BAUMAN. So far as representation is concerned?

Mr. McKINNEY. That is right. The gentleman's constituents have the Metro system, and they come into the city, they do not have to pay into the local contribution, and they save lots of gas.

Mr. BAUMAN. Mr. Speaker, the gentleman was correct when he said the Metro system has not gotten to my constituents in Maryland yet, but high taxes have come there. I think most of our districts are in the same position, as far as complaints about Government costs are concerned.

My concern is that we are opening the door to greatly increased costs without a statutory limit that would work toward Federal fiscal responsibility in the future. That is why I oppose the bill, and for no other reason.

Mr. McKINNEY. Mr. Speaker, if the gentleman will allow me to digress, I believe the gentleman from Virginia (Mr. HARRIS) would like to answer some of our questions, and, therefore, I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just make the point that this only has to do with the District's share, and that all funds have to be appropriated for the Federal share. The District's share becomes one of the functions of that control that we have, so that even though the gentleman may seem correct on that particular factor of the local share, there is not an authorization limitation.

There is such an authorization limitation with respect to the Federal share, and, therefore, it is limited because it has to be a part of the function of that 20-percent share vis-a-vis the Federal share.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. McKINNEY) has expired.

Mr. DELLUMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to offer a few comments that may clear up some of the thinking of my distinguished colleague, the gentleman from Maryland (Mr. BAUMAN), and, hopefully, that of the rest of my colleagues in the House.

The Budget Committee has informed the Committee on the District of Columbia that the bill before us does not involve any direct cost to the Federal Government as a result of enactment.

Secondly, I would like to point out that the matter before us is a matter concerning the budget process. As my colleagues know, the only reason why this matter is coming before us is because the District of Columbia must come before the House of Representatives for any authorization or appropriation of their own funds. That is the only reason this bill would come before us.

I would say to my distinguished colleague, the gentleman from Maryland (Mr. BAUMAN), that we would be more than prepared to debate the question of the cost, the effectiveness, and the viability of the Metro system at the point in time where the full funding Metro bill appears on the floor. This is not a Metro bill at this moment. The issue is not Metro; the issue is the budget process.

I would simply like to point out, first, that this is a federally inspired system. Therefore, it seems to me that we have some responsibility.

Second, given the energy crisis and the debate that has occurred on the floor of Congress recently with respect to the issue of energy, it would seem to me that we would need to move in the area of mass transit perhaps more diligently now than we have done in the past, if for no other reason than simply the conservation of energy.

As I said before—and I will repeat—there are no Federal funds involved here. There is an effort to increase the amount of contribution that the District of Columbia would make, but there is no increase in their percentage.

For example, in the original legislation that we considered prior to home rule, it is stated that the District of Columbia will make an aggregate capital contribution to the Washington Metropolitan

Transportation Authority in the amount of \$269.7 million. Now, we all know that the cost of Metro has increased. Therefore, the local share of every single local community making a contribution to Metro will have to increase.

Since this organic legislation was developed prior to home rule, it is now incumbent upon us, if we are to provide the District of Columbia with the necessary flexibility in order to proceed, that we amend the legislation, striking out that figure and placing in its stead: "Such funds as may be deemed necessary." That would provide the District of Columbia with the necessary funds, raising the cap because of the increased cost.

Finally, I would like to point out that the District of Columbia has already contributed to the construction of the Metro system in the total of \$964 million in money converted from interstate highway transfer funds, funds that the city, interestingly enough, might have used to construct highways.

However, at this moment they wish to make an enhanced contribution.

What we need at this point is the passage of this legislation, striking the specific amounts of money. The \$13.2 million would then allow them to receive an additional amount of interstate highway funds to carry forward in their local contribution with respect to Metro.

So, Mr. Speaker, I would say to the Members of the House, particularly to my distinguished colleague, the gentleman from Maryland (Mr. BAUMAN), that it is my hope that this information addresses the issues that he raised.

□ 1450

Mr. Speaker, may I emphasize again that we are more than prepared to debate the effectiveness and the viability of the Metro System. I would simply restate to my distinguished colleague that no additional Federal funds are asked for in this particular legislation, and that this is not a Metro issue at this moment. It is a budget issue. The only reason why we are coming back here is because we know that we have the authority to deal with the appropriation, as well as their authorizing, the use of their funds; and so it is for that reason that this legislation comes before my colleagues.

With that explanation, I yield to my distinguished colleague, the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. I thank the gentleman for yielding.

Mr. Speaker, I would like to agree with the statement and indicate that this is a matter that, in the course of good bookkeeping and good housekeeping, was identified. It is nothing more than a perfection of the D.C. Code so as to make sure that the necessary and legal authorities are made clear. It does not present the major consideration with regard to the completion of Metro. That should be presented to this body in future months. It does present us simply with the task of making a good housekeeping arrangement so that the process with the budget could proceed.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 3914, a bill to amend the National Capital Transportation

Act of 1969 to increase the amount authorized for the District of Columbia share of the cost of the rapid transit system of the National Capital Region.

This is essentially a technical amendment to the National Capital Transportation Act which removes the present cap on the aggregate District of Columbia share toward the capital contribution to the Washington Metropolitan Area Transit Authority. At present, the cap is \$269,700,000.

Removal of the cap would permit the District of Columbia to contribute \$13.2 million as a part of the 20 percent contribution of local funds to the Federal match of 80 percent for capital construction. No Federal funds are involved in this request; no increase in budget authority is sought. It is merely an amendment that will permit the District to continue to contribute its share toward capital costs of the Metro system.

I would encourage Members to support the amendment. It is more generally perfecting than of substance and I would hope we will view it that way. I should point out that it is necessary since the act does limit the amount which the District may contribute; without the District's share, the 20 percent local contribution cannot be met and the construction of the system would have to halt.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 48, not voting 29, as follows:

[Roll No. 166]

YEAS—357

Addabbo	Bedell	Brown, Calif.
Akaka	Bellenson	Broyhill
Albosta	Benjamin	Buchanan
Alexander	Bereuter	Burgener
Ambro	Bethune	Burlison
Anderson,	Bevill	Burton, John
Calif.	Bingham	Burton, Phillip
Anderson, Ill.	Blanchard	Butler
Andrews, N.C.	Boggs	Byron
Andrews,	Boland	Campbell
N. Dak.	Bolling	Carr
Annunzio	Boner	Carter
Anthony	Bonior	Cavanaugh
Ashley	Bonker	Chappell
Aspin	Bouquard	Cheney
AuCoin	Bowen	Chisholm
Bailey	Brademas	Clausen
Barnard	Breaux	Clay
Barnes	Brinkley	Cleveland
Beard, R.I.	Brodhead	Clinger
Beard, Tenn.	Broomfield	Coelho



Coleman	Holt	Price
Collins, Ill.	Holtzman	Pritchard
Conable	Hopkins	Pursell
Conte	Horton	Quillen
Conyers	Howard	Rallsback
Corcoran	Huckaby	Rangel
Corman	Hughes	Ratchford
Cotter	Hutto	Regula
Coughlin	Hyde	Reuss
D'Amours	Ichord	Rhodes
Daniel, Dan	Ireland	Richmond
Daniel, R. W.	Jacobs	Rinaldo
Danielson	Jeffords	Roberts
Daschle	Jenkins	Robinson
Davis, Mich.	Johnson, Calif.	Rodino
Davis, S.C.	Johnson, Colo.	Roe
de la Garza	Jones, N.C.	Rose
Deckard	Jones, Okla.	Rosenthal
Dellums	Jones, Tenn.	Rostenkowski
Derrick	Kastenmeier	Roybal
Derwinski	Kazen	Royer
Dickinson	Kemp	Runnels
Dicks	Kildee	Russo
Dingell	Kindness	Sabo
Dixon	Kogovsek	Santini
Dodd	Kostmayer	Satterfield
Donnelly	Kramer	Sawyer
Dornan	LaFalce	Scheuer
Dougherty	Leach, La.	Schroeder
Downey	Lederer	Schulze
Drinan	Lee	Sebelius
Duncan, Oreg.	Lehman	Seiberling
Duncan, Tenn.	Leland	Shannon
Early	Lent	Sharp
Eckhardt	Levitass	Shelby
Edgar	Livingston	Shuster
Edwards, Ala.	Lloyd	Simon
Edwards, Calif.	Loeffler	Skelton
Emery	Long, La.	Slack
English	Long, Md.	Smith, Iowa
Erdahl	Lott	Smith, Nebr.
Erlenborn	Lowry	Snowe
Ertel	Lujan	Snyder
Evans, Del.	McClary	Solarz
Fary	McCloskey	Spellman
Fasell	McCormack	St Germain
Fazio	McDade	Stack
Fenwick	McEwen	Staggers
Ferraro	McHugh	Stangeland
Findley	McKay	Stanton
Fish	McKinney	Stark
Fisher	Madigan	Steed
Fithian	Maguire	Stenholm
Flood	Markey	Stewart
Florio	Marlenee	Stokes
Foley	Marriott	Studds
Ford, Tenn.	Martin	Swift
Fountain	Matsui	Synar
Fowler	Mattox	Tauke
Frenzel	Mazzoli	Taylor
Frost	Mica	Thomas
Fuqua	Michel	Thompson
Garcia	Mikulski	Traxler
Gaydos	Mikva	Treen
Gephardt	Miller, Ohio	Udall
Gialmo	Mineta	Ullman
Gibbons	Minish	Van Derlin
Gilman	Mitchell, Md.	Vander Jagt
Ginn	Mitchell, N.Y.	Vanik
Glickman	Moakley	Vento
Gonzalez	Moffett	Volkmer
Goodling	Mollohan	Walgren
Gore	Montgomery	Walker
Gradison	Moore	Wampler
Gramm	Moorhead,	Waxman
Gray	Calif.	Weaver
Green	Moorhead, Pa.	Weiss
Grisham	Murphy, Ill.	White
Guarini	Murphy, N.Y.	Whitehurst
Gudger	Murtha	Whitley
Guyer	Myers, Pa.	Whittaker
Hagedorn	Natcher	Whitten
Hall, Ohio	Neal	Williams, Mont.
Hall, Tex.	Nedzi	Williams, Ohio
Hamilton	Nelson	Wilson, Tex.
Hammer-	Nichols	Winn
schmidt	Nolan	Wirth
Hance	Nowak	Wolf
Hanley	O'Brien	Wolpe
Harkin	Oberstar	Wright
Harris	Obey	Wyatt
Hawkins	Ottinger	Wyllie
Heckler	Panetta	Yates
Hefner	Patten	Yatron
Heftel	Patterson	Young, Fla.
Hightower	Pepper	Young, Mo.
Hillis	Perkins	Zablocki
Hinson	Peyser	Zefiretti
Holland	Pickle	
Hollenbeck	Preyer	

## NAYS—48

Abdnor	Flippo	Myers, Ind.
Archer	Gingrich	Pashayan
Ashbrook	Goldwater	Paul
Atkinson	Grassley	Quayle
Badham	Hansen	Rousselot
Bafalis	Harsha	Rudd
Bauman	Jeffries	Sensenbrenner
Bennett	Kelly	Shumway
Carney	Lagomarsino	Solomon
Collins, Tex.	Latta	Spence
Courter	Leach, Iowa	Stockman
Crane, Daniel	Lewis	Stump
Dannemeyer	Lungren	Watkins
Devine	McDonald	Wilson, Bob
Edwards, Okla.	Mottl	Wilson, C. H.
Evans, Ind.	Murphy, Pa.	Wydler

## NOT VOTING—29

Applegate	Hubbard	Pease
Baldus	Jenrette	Petri
Biaggi	Leath, Tex.	Rahall
Brooks	Luken	Ritter
Brown, Ohio	Lundine	Roth
Crane, Philip	Marks	Stratton
Diggs	Mathis	Symms
Evans, Ga.	Mavroules	Trible
Ford, Mich.	Miller, Calif.	Young, Alaska
Forsythe	Oakar	

□ 1500

The Clerk announced the following pairs:

Mr. Baldus with Mr. Brown of Ohio.  
 Mr. Applegate with Mr. Marks.  
 Mr. Jenrette with Mr. Ritter.  
 Ms. Oakar with Mr. Petri.  
 Mr. Pease with Mr. Roth.  
 Mr. Brooks with Mr. Mavroules.  
 Mr. Biaggi with Mr. Forsythe.  
 Mr. Ford of Michigan with Mr. Philip M. Crane.  
 Mr. Lundine with Mr. Diggs.  
 Mr. Miller of California with Mr. Hubbard.  
 Mr. Roybal with Mr. Symms.  
 Mr. Stratton with Mr. Luken.  
 Mr. Mathis with Mr. Young of Alaska.  
 Mr. Leath of Texas with Mr. Evans of Georgia.

Mr. HALL of Texas changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the National Capital Transportation Act of 1969 to remove the limitation on the amount authorized for District of Columbia contributions for the cost of construction of the rapid transit system of the National Capital Region."

A motion to reconsider was laid on the table.

□ 1510

#### PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. DAVIS of South Carolina. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may be permitted to sit tomorrow, Thursday, May 24, 1979, during the 5-minute rule, for the conclusion of the markup on the bill H.R. 1.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## PERSONAL EXPLANATION

Mrs. FENWICK. Mr. Speaker, unfortunately yesterday I was called away and was not able to be present on two votes.

On rollcall No. 162, the Hinson amendment, I would have voted "no."

On rollcall No. 163, passage of the Small Business Administration Disaster Assistance Act, I would have voted "Yea."

#### PERMISSION TO WITHDRAW NAME OF MEMBER AS COSPONSOR OF H.R. 3042

Mr. WINN. Mr. Speaker, I ask unanimous consent that my name be withdrawn as cosponsor of the bill, H.R. 3042.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

#### ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 24, 1979, TO WEDNESDAY, MAY 30, 1979, AND RECESS OF THE SENATE FROM THURSDAY, MAY 24, 1979, TO MONDAY, JUNE 4, 1979

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 126), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 126

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 24, 1979, it stand adjourned until 12 o'clock meridian on Wednesday, May 30, 1979, and that when the Senate recesses on Thursday, May 24, 1979, it stand in recess until 11 o'clock ante meridian on Monday, June 4, 1979.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 3404, TREASURY DRAW AUTHORITY EXTENSION

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 275

*Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3404) to amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of*

the Committee on Banking, Finance and Urban Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Maryland (Mr. BAUMAN) for the purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, this is an open rule allowing any germane amendment to be in order when the bill is considered under the 5-minute rule. There are no waivers of any point of order. The bill provides for 1 hour of general debate and divides the time equally between the chairman and the ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, House Resolution 275 provides for the consideration of H.R. 3404. This bill would amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury.

The bill extends and puts under tighter controls the authority of the Treasury to obtain cash to meet short-term needs. The Treasury has had the authority since 1942 and Congress has extended it 22 times. This authority assures that the Treasury will be able to raise cash in times of emergencies.

This is the same bill that was considered under suspension of the rules on May 7. It did not receive the necessary two-thirds at that time. I would like to point out, however, that the Banking Committee reported this bill by a vote of 34 to 2.

Mr. Speaker, House Resolution 275 is a straightforward open rule, and I urge my colleagues to adopt House Resolution 275 so that we may proceed to the consideration of H.R. 3404.

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Carolina has adequately described the rule, but since the legislative program has been changed a number of times this afternoon, I will take just a moment to describe the legislation that is before us since I do not think most Members knew that this bill was to come up at all.

This bill as it is presently written—and I understand amendments will be offered to substantially change it as to amounts of money and number of years—as it is now written, it extends for 5 years the Treasury reserve draw authority, and increases the amount of money in that authority from \$5 billion to \$15 billion.

This bill was under suspension of the rules on May 7 of this year, and I think

Members ought to realize that they have voted on a rollcall vote already on this. It did not receive two-thirds vote under suspension of the rules. It did not even receive a majority vote. There were 175 in favor to 195 opposed.

After that, the Rules Committee heard the request for the rule, reported this out under the present rule, which is an open rule. I understand amendments will be offered which will answer many of the objections. For instance, one amendment will cut the period of the extension to 2 years instead of 5. A second amendment will limit the amount of money in the draw from \$15 billion, and cut it down to \$5 billion.

I do think the Members ought to realize that the gentleman from Texas (Mr. PAUL) has presented a very persuasive case in his minority views against any legislation at all. This has been Treasury emergency authority since 1942, and has only been used sparingly. But, it has been used, as I understand it, to finance getting around the public debt when the Treasury was up against an expiration of the debt limit. That, in fact, skirts the Congress and allows the Treasury a leeway that I do not think they ought to have.

Each Member will have to decide about this legislation, as to whether the amendments will meet their specifications, but I know of no objections to the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JOHN L. BURTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 377, nays 13, not voting 44, as follows:

[Roll No. 167]

YEAS—377

Abdnor	Bedell	Buchanan	Corcoran	Horton	Price
Addabbo	Bellenson	Burgener	Corman	Howard	Pritchard
Akaka	Benjamin	Burlison	Cotter	Huckaby	Pursell
Albosta	Bennett	Burton, Phillip	Coughlin	Hughes	Quayle
Alexander	Bereuter	Butler	Courter	Hutto	Quillen
Ambro	Bethune	Byron	D'Amours	Hyde	Rallsback
Anderson, Calif.	Bevill	Campbell	Daniel, Dan	Ichord	Rangel
Andrews, N.C.	Bingham	Carney	Daniel, R. W.	Ireland	Ratchford
Andrews, N. Dak.	Blanchard	Carr	Danielson	Jacobs	Regula
Annuzio	Boland	Cavanaugh	Dannemeyer	Jeffords	Reuss
Anthony	Bolling	Chappell	Daschle	Jeffries	Rhodes
Archer	Boner	Cheney	Davis, Mich.	Jenkins	Richmond
Ashley	Bonior	Chisholm	Davis, S.C.	Johnson, Calif.	Rinaldo
Aspin	Bonker	Claussen	de la Garza	Johnson, Colo.	Robinson
AuCoin	Bouquard	Clay	Deckard	Jones, N.C.	Rodino
Badham	Bowen	Cleveland	Dellums	Jones, Okla.	Roe
Bafalis	Brademas	Clinger	Derrick	Jones, Tenn.	Rose
Ballley	Breaux	Coelho	Derwinski	Kastenmeier	Rosenthal
Barnard	Brinkley	Coleman	Devine	Kazen	Rostenkowski
Barnes	Broadhead	Collins, Ill.	Dicks	Kelly	Roybal
Beard, R.I.	Broomfield	Conable	Dixon	Kemp	Royer
Beard, Tenn.	Brown, Calif.	Conte	Dodd	Kildee	Rudd
	Broyhill	Conyers	Donnelly	Kindness	Runnels
			Dornan	Kogovsek	Russo
			Downey	Kostmayer	Sabo
			Drinan	Kramer	Santini
			Duncan, Oreg.	LaFalce	Sawyer
			Duncan, Tenn.	Latta	Scheuer
			Early	Leach, Iowa	Schroeder
			Eckhardt	Leach, La.	Schulze
			Edgar	Lederer	Sebellus
			Edwards, Ala.	Lee	Seiberling
			Edwards, Calif.	Lehman	Sensenbrenner
			Edwards, Okla.	Leland	Shannon
			Emery	Lent	Sharp
			English	Levitass	Shelby
			Erdahl	Livingston	Shumway
			Erlenborn	Lloyd	Shuster
			Ertel	Loeffler	Simon
			Evans, Del.	Long, La.	Skelton
			Evans, Ind.	Long, Md.	Slack
			Fary	Lott	Smith, Iowa
			Fascell	Lowry	Smith, Nebr.
			Fazio	Lujan	Snowe
			Fenwick	Lungren	Snyder
			Ferraro	McClory	Solarz
			Findley	McCloskey	Spellman
			Fish	McCormack	Spence
			Fisher	McDade	Stack
			Fithian	McEwen	Staggers
			Filippo	McHugh	Stangeland
			Flood	McKay	Stanton
			Florio	McKinney	Stark
			Foley	Madigan	Stenholm
			Ford, Tenn.	Maguire	Stewart
			Fountain	Markley	Stockman
			Fowler	Marlenee	Stokes
			Frenzel	Marriott	Studds
			Frost	Martin	Stump
			Fuqua	Matsui	Swift
			Garcia	Mattox	Synar
			Gaydos	Mazzoli	Tauke
			Gephardt	Mica	Taylor
			Gleimo	Michel	Thomas
			Gibbons	Mikulski	Thompson
			Gilman	Mikva	Traxler
			Gingrich	Miller, Calif.	Treen
			Ginn	Miller, Ohio	Udall
			Glickman	Mineta	Ullman
			Goldwater	Minish	Van Deerlin
			Gonzalez	Mitchell, Md.	Vander Jagt
			Goodling	Mitchell, N.Y.	Vanik
			Gore	Moffett	Vento
			Gradison	Mollohan	Volkmer
			Gramm	Montgomery	Walgren
			Grassley	Moore	Walker
			Gray	Moorhead,	Wampler
			Green	Calif.	Watkins
			Grisham	Moorhead, Pa.	Weaver
			Guarini	Mottl	Weiss
			Gudger	Murphy, Ill.	White
			Guyer	Murphy, N.Y.	Whitehurst
			Hagedorn	Murphy, Pa.	Whitley
			Hall, Tex.	Murtha	Whittaker
			Hamilton	Myers, Ind.	Whitten
			Hammer-	Myers, Pa.	Williams, Mont.
			schmidt	Natcher	Williams, Ohio
			Hance	Neal	Wilson, Bob
			Hanley	Nedzi	Wilson, Tex.
			Hansen	Nelson	Winn
			Harkin	Nichols	Wirth
			Harris	Nowak	Wolf
			Hawkins	O'Brien	Wolpe
			Heckler	Oberstar	Wright
			Hefner	Obey	Wyatt
			Hefel	Panetta	Wyder
			Hightower	Pashayan	Wylie
			Hillis	Patten	Yates
			Hinson	Patterson	Yatron
			Holland	Perkins	Young, Fla.
			Hollenbeck	Peyser	Young, Mo.
			Holtzman	Pickle	Zablocki
			Hopkins	Preyer	Zerfetti



## NAYS—13

Ashbrook	Crane, Daniel	Paul
Atkinson	Harsha	Rousselot
Bauman	Holt	Solomon
Burton, John	Lagomarsino	
Collins, Tex.	McDonald	

## NOT VOTING—44

Anderson, Ill.	Hubbard	Petri
Applegate	Jenrette	Rahall
Baldus	Leath, Tex.	Ritter
Blaggi	Lewis	Roberts
Brooks	Luken	Roth
Brown, Ohio	Lundine	Satterfield
Crane, Philip	Marks	St Germain
Dickinson	Mathis	Steed
Diggs	Mavroules	Stratton
Dingell	Moakley	Symms
Dougherty	Nolan	Trible
Evans, Ga.	Oakar	Waxman
Ford, Mich.	Ottlinger	Wilson, C. H.
Forsythe	Pease	Young, Alaska
Hall, Ohio	Pepper	

□ 1530

The Clerk announced the following pairs:

Mr. Baldus with Mr. Anderson of Illinois.  
 Mr. Applegate with Mr. Lewis.  
 Mr. Blaggi with Mr. Brown of Ohio.  
 Mr. St Germain with Mr. Marks.  
 Mr. Roberts with Mr. Ritter.  
 Mr. Brooks with Mr. Petri.  
 Mr. Dingell with Mr. Hall of Ohio.  
 Mr. Ford of Michigan with Mr. Forsythe.  
 Mr. Moakley with Mr. Dougherty.  
 Mr. Nolan with Mr. Dickinson.  
 Mr. Lundine with Mr. Philip M. Crane.  
 Mr. Leath of Texas with Mr. Roth.  
 Mr. Jenrette with Mr. Symms.  
 Mr. Stratton with Mr. Trible.  
 Mr. Steed with Mr. Young of Alaska.  
 Mr. Rahall with Mr. Mavroules.  
 Mr. Hubbard with Mr. Luken.  
 Mr. Diggs with Mr. Ottlinger.  
 Mr. Evans of Georgia with Mr. Pease.  
 Mr. Pepper with Mr. Charles H. Wilson of California.  
 Mr. Satterfield with Mr. Oakar.  
 Mr. Waxman with Mr. Mathis.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I just missed getting to the floor in time to vote. Had I been here I would have voted "aye."

## TREASURY DRAW AUTHORITY EXTENSION

Mr. MITCHELL of Maryland. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3404) to amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL).

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3404, with Mr. ROSENTHAL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Maryland (Mr. MITCHELL) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. STANTON) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3404 would renew for 5 years the authority of the Federal Reserve to purchase directly from the Treasury, bonds, notes, or other debt obligations which are direct obligations of the United States or which are fully guaranteed as to interest and principal. Also, it provides for the first time alternative authority for the Federal Reserve to lend the Treasury seasoned securities in its portfolio. The total of such purchases and loans are limited to \$15 billion. Until now, the limit on direct purchases, the only authority provided, was only \$5 billion. This was first imposed during World War II.

H.R. 3404 is a combination of H.R. 2881, which I introduced, and H.R. 421, which was introduced by my colleague GEORGE HANSEN. The Subcommittee on Domestic Monetary Policy held a hearing on these bills on March 5. Subcommittee markup was held on March 28, at which time the two bills were combined and recommended for consideration by the full Banking Committee. The combined legislation, H.R. 3404, was introduced by myself and Mr. NEAL, Mr. D'AMOURS, Mr. BARNARD, Mr. MATTOX, Mr. CAVANAUGH, Mr. HANSEN, and Mr. RITTER on April 3. Full committee markup was held on April 25 and the legislation was favorably reported by a vote of 34 to 2.

The committee approved an amendment on May 2 to clarify that the Federal Reserve's open market powers remain intact after the draw authorities expire. I intend to offer this amendment at the proper time.

The bill was taken up by the House on May 7 under suspension. It was defeated, 175 voting aye and 195 nay. The major reason for its defeat was that Members objected to the increase in the draw authority to \$15 billion, despite the fact that we have had considerable inflation since World War II. There were objections also to extending the authority for 5 years. Until now, extensions have been granted on 22 occasions, but only for 1 or 2 years.

The authority provides a backstop for Treasury cash and debt operations. It assures that the Treasury will be able to raise cash almost instantaneously in emergencies. It is needed even though Treasury, under the tax and loan legislation we passed in the 95th Congress, now can collect interest on its tax and loan accounts in commercial banks; for Treasury always could hold deposits in Federal Reserve banks which, in effect, pay interest. Incremental deposits held by the Treasury in Federal Reserve banks are matched by increased Federal Reserve holdings of Treasury securities,

the interest on which is remitted back to the Treasury. The draw authority has been described by Treasury officials as a key element in all of the Treasury's financial planning for a national emergency.

Until now, the law has required that Treasury meet any short-term cash needs by selling securities directly to the Federal Reserve, and giving the Federal Reserve authority to buy securities directly from the Treasury. The problem with this approach is that it complicates the Federal Reserve's efforts to control money supply growth, because direct purchases of Treasury securities by the Federal Reserve, in effect, create new money. Yet there could be times when Treasury cannot prepare and market a new security quickly enough to meet an unexpected short-run cash need.

H.R. 3404 solves the problem by incorporating a proposal introduced by our colleague, GEORGE HANSEN, the ranking minority member of my Subcommittee on Domestic Monetary Policy. The Hansen proposal permits the Federal Reserve to lend seasoned securities in its portfolio to the Treasury when Treasury faces a short-term emergency cash need. Because they are seasoned, Treasury will be able to sell securities borrowed from the Federal Reserve quickly enough to meet any unexpected cash needs, which may arise, for example, because tax revenues are unexpectedly delayed or low. No new money would be created by this procedure. It involves only a transfer of existing funds from public buyers of the seasoned securities through the Treasury to public entities being paid by Treasury.

To avoid complicating money supply control, the Hansen procedure is expected to be used when Treasury faces an emergency cash need, except when Treasury securities markets are closed or in other unusual and exigent circumstances when the traditional approach can be adopted by a vote of five members of the Board of Governors of the Federal Reserve.

Three final brief points may be helpful.

First, Treasury would have to return an equal amount of any securities it borrows from the Federal Reserve within 6 months, just as it must repurchase any securities it may sell directly to the Federal Reserve within 6 months.

Second, any loans of seasoned securities to the Treasury would be subject to the regulations of the Federal Reserve's Open Market Committee, just as direct purchases now are and would remain.

Third, whether Treasury meets future emergency cash needs by issuing special certificates of debt as collateral for borrowing seasoned securities from the Federal Reserve which it sells on the open market, or by selling such certificates directly to the Federal Reserve, the amounts involved will be added to the national debt. This legislation permits no escape from whatever debt ceiling we impose on the Federal Government.

Both the Treasury and the Federal Reserve support this legislation, and I urge the House to do so.

Mr. STANTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 3404, a bill to amend and extend the Treasury Draw Authority.

Mr. Chairman, the chairman of the subcommittee has very eloquently expressed himself on the three points on which there was dispute when this bill was before us a couple weeks ago under suspension of the rules.

First of all, in retrospect it should not have been brought up under suspension of the rules. This will be taken care of by amendments from my friend, the gentleman from Ohio (Mr. WYLIE) which he will explain to us.

I want to thank the chairman of the subcommittee for his full cooperation on this. I would urge the overwhelming support of this legislation by Members here this afternoon.

Mr. Chairman, in 1942, the Congress first gave authority to the Federal Reserve to purchase obligations directly from the Treasury, instead of on the open market. The purpose of that authority is to permit the Treasury to maintain low levels of idle cash, without risk of running short due to unforeseen circumstances. The authority has been periodically renewed in a routine fashion, the last expiration having occurred just last week, April 30.

The committee has now reported a bill which extends the authority for 2 years—and makes certain important modifications in the authority.

Under this bill, the old authority would be subject to a new restriction, specifically that it could not be used unless the Federal Reserve Board of Governors determines that unusual and exigent circumstances required it, the decision to be taken by not less than five affirmative votes among the seven Governors.

The bill also establishes a new method of draw, to be utilized in more ordinary situations. This method, suggested by the ranking minority member of the Domestic Monetary Policy Subcommittee, the gentleman from Idaho (Mr. HANSEN), authorizes the Treasury to borrow securities from the Federal Reserve portfolio, sell them on the open market to raise cash, then to repurchase and replace the securities at the Federal Reserve when the cash shortage has been alleviated by tax receipts or regular borrowing operations.

The securities draw, instead, means that the Treasury will borrow cash from the public, cash that is already in circulation. Thus, there will be no creation of new reserves and no possible interference with monetary policymaking.

The new method also has the advantage that it assures a market rate of interest being paid on the borrowing, whereas under the old draw the rate was arbitrarily set by negotiations between the Treasury and the Federal Reserve.

The draw authority has worked well in the past, and has served an important

function as a useful backstop, enabling the Treasury to carry lower cash balances than would otherwise be the case. The authority has been used only very infrequently, for very short periods—usually just a couple of days—and for relatively small amounts. This year, we have the opportunity to extend this useful authority for extreme emergency situations, but improve it by establishing also a more advantageous method for the less dire problems that occasionally arise in efficient Treasury cash management.

I want to point out particularly that I raised the question in the committee markup of this bill whether the Treasury draw, under either the old or the new methods, would be included within the public debt limit. I was assured that any use of the draw authority would be included within the aggregate of public debt subject to statutory limit, and that such a provision was included explicitly in the bill. Thus, the draw cannot be used to evade the public debt limit.

Mr. Chairman, I support the bill and urge our colleagues to vote for its immediate enactment.

□ 1540

Mr. Chairman, I yield such time as he may consume to the very distinguished ranking minority member of the subcommittee, the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, since the House has so recently dealt with this bill in a reasonably full debate, I will confine myself today to reiterating a few key points.

In the first place, let me point out to our colleagues again what I believe was not sufficiently appreciated 2 weeks ago: This bill is not a simple extension of the old Treasury draw authority, which always involved direct creation of new banking reserves. Instead, while reserving that authority for the most extreme emergency, such as a military attack on the United States or some nationwide catastrophe, this bill establishes a new authority for the more routine cash shortages which have occurred now and again in the course of Treasury operations. This new authority, a securities draw instead of what is called a cash draw, does not involve the creation of new reserves. It is not printing-press money in any sense of the phrase whatever. The most important effect of this legislation is to establish this alternative authority and make it clear that it is to be used instead of the old authority. If we fail to pass this bill, the alternative will be dead and I predict we will end up, ultimately, with a simple extension of the old printing press.

Second, I am not only prepared to accept a reduction of the limit on the amount of these authorities, and in particular of the old cash draw, I am enthused about it. An amendment which will be offered to reduce the limit in the bill from \$15 billion to the original \$5 billion, is in keeping with the original concept of this merged legislative proposal. However, there is a hidden prem-

ise that must be clarified. Any reduction in the limitation should not be construed as a reversion to primary use of the old cash draw authority. The emphasis of the subcommittee and committee still remains that the old authority is to be reserved for the most extraordinary, almost unimaginable circumstances, and the new securities authority, which has no need of a limit because it does not create new reserves, should be used instead. It is important that we continue to send right signal to the Treasury Department and the Federal Reserve.

Third, I will just list some points that have been misunderstood. Let me make it absolutely clear that this bill does not permit an evasion of the statutory limit on the public debt, and any suggestion that it enables the Treasury to get around that limit or to raise it or do anything else of the sort is flat out wrong and has no foundation at all. Let me also make it clear that this is not a bill to authorize or direct the printing of more money. Among some, the idea has gotten around that we are telling the Treasury and the Fed to print up several billion dollars more currency or checking accounts. This is a result of too facile use of the term "printing-press money" and is at best a distortion of the facts. This is merely a bill to authorize the Treasury, under exceptional circumstances, to borrow securities from the Federal Reserve or, in really extreme conditions, to overdraw the Treasury's account at the Fed as in the past. It is not a bill to print more money.

Finally, I want to tell our colleagues that this is not an executive war powers bill. On the contrary, it is an authority extended to the Federal Reserve and, for that matter, tightens up on that authority. Even in time of war, the President could not force the Fed to exercise that authority.

Mr. Chairman, I earnestly ask our colleagues to vote with me to pass this bill with the reduced time and limitations pending amendments will provide, and thus put the House on record as favoring the new securities draw authority. Though I wish it were otherwise, the alternative is not a permanent lapse of the draw authority, but a simple extension of the old printing press authority. That is the political reality, and I hope that our colleagues who want to end that old authority will recognize this bill as the only practical method of actually moving in that direction.

Mr. STANTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, when this bill came up on the Suspensions Calendar, I opposed it, as the gentleman from Maryland suggested, because it increased the Treasury cash borrowing or draw authority from \$5 to \$15 billion. I thought that was a little much and might have a bad psychological effect, one; and, two, it has been shown over the years that the \$5 billion draw authority has



been adequate in those cases of an emergency where it has been needed.

Additionally, I felt 5 years was too long a period, so I suggested that I would like the opportunity to offer an amendment which I could not do under the Suspensions Calendar route to decrease the 5-year extension time to 2 years, so that the next Congress would have another opportunity to work its will on this very special draw authority.

Now, this draw authority was enacted as a part of the so-called War Powers Act in 1942 and gave the Treasury the emergency authority to draw money directly from the Federal Reserve Board without going to the market. The purpose of the law was to make sure that the Treasury could obtain money quickly in case of an emergency during the war.

Now, it is true that we are not at war at the present time, but in this age of intercontinental ballistic missiles, and so forth, who can tell when we might not be in a very dire situation on a matter of national defense or some other domestic emergency situation where the Treasury would need some overnight cash.

This bill would allow the Treasury, as I suggested, or as has been suggested earlier by the gentleman from Maryland (Mr. MITCHELL) to draw up to \$5 billion if my amendment is adopted and no one would ever anticipate that Treasury would need to draw that much. The most Treasury has ever drawn down under this authority at one time was \$1.3 billion. That was in 1943 during the Second World War. This would allow them to obtain quick cash and, I might say, at about market interest rates. I think the authority ought to be granted for an additional 2 years within the present limit.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has expired.

Mr. STANTON. Mr. Chairman, I yield the gentleman from Ohio (Mr. WYLIE) 2 additional minutes.

Mr. WYLIE. So at the proper time I will offer my amendment to allow Treasury to draw down up to \$5 billion, instead of the \$15 billion in this bill, and for a 2-year period, instead of a 5-year period as provided in this bill.

Mr. STANTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, several reasons were given for this bill being defeated last week. I would like to give some other reasons why I believe this piece of legislation was voted down. Today, I am sure that the numbers will change. I think the consensus is that \$15 billion is too much and the 5-year extension is too much; but although you may change the numbers, the principle will remain the same, the principle that the Treasury has this authority to overdraw.

I believe this bill is a typical example of fiscal mismanagement. It is typical of the age in which we live. It is totally unnecessary. There is no need for the Treasury to have a \$5 billion or a \$15 billion overdraw authority. That is, if they come up with what they call an emergency, they want to be able to go and spend \$15

billion more without the specific authority of the Congress, if we give them this general authority in advance. I think this is very necessary.

It was mentioned that this came about in 1942 under the emergency war powers bill. This is still an emergency war powers bill. There is no other reason that this exists, except for recent times it has been used to finance debt when we have not gotten around to raising the debt limit; so up until now it has been used for either war or for financing debt when we have not raised the debt limit.

I do not believe it is fiscally justified to continue this. Not only that, the authority is not even in effect now. We are not continuing this authority the Treasury has had since 1942. It is out of existence. It has been out for nearly a month and nothing terrible is happening.

This war power had been used 45 times since 1942; 34 times it has been used in war, the Second World War, the Korean war, and the Vietnam war.

Between 1955 and 1965 it was used one time. It goes to show it is unnecessary legislation. In recent years, as I said, it was used at the time the national debt limit was not raised.

I think this can be looked at as nothing more than a security blanket for the Treasury Department. They feel secure with it. They want it. They would have loved to have the \$15 billion. They will settle for the \$5 billion, but it is unnecessary and they do not need this security to have this extra slush fund, being able to spend this money without the authority of the Congress.

I think this is an opportunity for the Congress to take an issue and look at it on its economic merits. This is one issue that does not strike home. It is not an issue that you have to answer for to your constituents. You are not giving and you are not taking from the people. You are merely trying to manage things here a little bit better. The people at home have no way that they can overdraw their checking accounts. How can we conceive of giving the Treasury this opportunity to overdraw their account by this outstanding amount?

Some say this is not inflationary. It is, according to Governor Partee in the Federal Reserve. He did testify that this is inflationary. Whether or not you go directly into the Federal Reserve System and take cash or whether you go through the security markets, it does have an effect on the money markets and put pressure and demands on the money markets, and it can be inflationary.

The Treasury also has an opportunity, or has a power that they can use to compensate for their emergencies. In 1977, legislation was passed that permitted them to put cash into funds that were interest bearing. This was done in order to give them a better opportunity to manage their funds.

Again, I would like to say that this legislation is not in effect now. It is totally unnecessary. It is an emergency power. It is a good time for us to demonstrate to the American people that it is time the Treasury was fiscally responsible and that we just deny them

this power. It was defeated the other day by 20 votes. It was thought that this House would pass this by a two-thirds vote, but I think there is enough sophistication around here to realize that the legislation is unnecessary, and I urge its defeat.

Mr. STANTON. Mr. Chairman, I yield 6 minutes to the gentleman from Colorado (Mr. KRAMER).

□ 1550

Mr. KRAMER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I will state to the gentleman from Maryland (Mr. MITCHELL) that I would like to ask some questions of him.

Mr. MITCHELL of Maryland. Certainly, if the gentleman will yield.

Mr. KRAMER. Mr. Chairman, I have several summaries in front of me, and, quite frankly, they are very contradictory in their explanation of what this bill does and what it does not do.

I think the most important point, at least as far as confusion in my own mind is concerned, is whether or not the debt ceiling as set by this body can be circumvented by the use of this procedure or whether or not the money that is actually raised under this procedure comes within the debt ceiling at whatever limit we set.

Could the gentleman clarify that point for me?

Mr. MITCHELL of Maryland. Yes, if the gentleman will yield.

Mr. KRAMER. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I am glad the gentleman raised the question. There is nothing in this legislation that says that that borrowing, the use of the draw, can be used to increase the debt ceiling. I do not know where this propaganda has come from, but that is not allowable under this bill.

Mr. KRAMER. Is there no mechanism available? For example, I was told that perhaps the Treasury Department, in utilizing this mechanism, does not pay any attention to the debt ceiling that we set.

Would the gentleman comment on that for me?

Mr. MITCHELL of Maryland. Yes; there is no truth at all to that. The Treasury is bound by the debt ceiling imposed by the Congress.

Mr. WYLIE. Mr. Chairman, will the gentleman yield on that point?

Mr. KRAMER. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I think that was an unfortunate implication that was left a little while ago. It does not increase the debt ceiling; it cannot increase the debt ceiling. Any borrowing done by Treasury under this bill would have to come under the limits of the debt ceiling.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, it is my understanding that this becomes a moot

point because when we do not raise the national debt, the temporary national debt, we revert back to the permanent debt limit. So, therefore, when we pass that date, we are hundreds of billions of dollars over our limit.

Therefore, if we go into the market and the Treasury finances more debt of \$5 billion or \$15 billion, it really is insignificant because we are back down to a permanent debt figure. So I do not think this point is really very important because I think we will be many billions of dollars over the limit.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield further?

Mr. KRAMER. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, this gentleman will stand by his original statement that there is nothing in this legislation that would permit the Treasury to exceed the debt limit imposed by the Congress of the United States.

Mr. KRAMER. Mr. Chairman, I thank the gentleman from Maryland (Mr. MITCHELL).

Mr. Chairman, I have one other question I would like to ask. Again, in the information and the materials I have in front of me, it indicates that under this bill, in effect the Treasury could raise capital by borrowing securities from the Federal Reserve portfolio and then sell those securities on the open market; is that correct?

Mr. MITCHELL of Maryland. That is correct.

Mr. KRAMER. What kind of securities are we talking about? What are the securities in the Federal Reserve portfolio that we are talking about?

Mr. MITCHELL of Maryland. Just the general seasoned securities that would be in portfolios now new securities at all.

Mr. KRAMER. Mr. Chairman, may I ask, are these some kind of things that are issued by the Treasury Department to begin with, or are they something else? Are they something issued by the Federal Reserve Board?

Mr. MITCHELL of Maryland. Mr. Chairman, if the gentleman will yield, under the provisions of this legislation, the Treasury would have to issue special certificates to the Federal Reserve system if it attempts to do that kind of borrowing, and they would all be the seasoned securities.

Mr. KRAMER. But are they securities that originate from the Federal Reserve Board, or are they securities that originally came from the Treasury Department? If they were the latter, I suppose the Federal Reserve Board got them in the first place by buying them from the Treasury, and then in effect we have the Treasury selling the same thing twice. Is that correct?

Mr. MITCHELL of Maryland. Mr. Chairman, the problem is that I think the gentleman is correct. The Fed's would operate in the first place, but they might be dealing with securities that they got 3 years ago or 5 years ago.

Mr. KRAMER. So in effect what the Treasury does is borrow back securities

it has already sold to the Federal Reserve Board and then sells them again on the open market?

Mr. MITCHELL of Maryland. That is correct.

Mr. KRAMER. And then what? It repays the Federal Reserve Board within 6 months; is that correct?

Mr. MITCHELL of Maryland. The limit is 6 months. That is the limit under which that kind of borrowing is done.

Mr. WYLIE. Mr. Chairman, will the gentleman yield on that point?

Mr. KRAMER. Certainly, I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I might add that over the years this draw authority, since 1942, has been used 42 times. The approximate length of days that the money has been drawn down is approximately 1 week or less. It is a little less than 1 week.

What happens is that the Treasury borrows this money and a certificate of indebtedness is issued, as the gentleman from Maryland (Mr. MITCHELL) has suggested. But when securities are sold, usually through Government securities dealers, they can be any securities. They are not limited necessarily to Treasury bills or notes. They can be any security which the Treasury has purchased or the Federal Reserve has purchased.

So in this emergency situation the Treasury wants to be able to draw down some so-called overnight money on which it will pay about market interest rates. This so-called certificate of indebtedness given as evidence of debt is simply returned usually by a bookkeeping entry when the money is repaid.

Mr. KRAMER. Mr. Chairman, I thank the gentleman.

Mr. STANTON. Mr. Chairman, we have no further requests for time on this side of the aisle.

Mr. MITCHELL of Maryland. Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

H.R. 3404

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 14(b)(1) of the Federal Reserve Act (12 U.S.C. 355(1)) is amended by striking out "Provided, That," and all that follows through the end thereof and inserting in lieu thereof a period.*

*(b) Section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355(2)) is amended by striking out "any agency of the United States" and inserting in lieu thereof the following: "the United States or any agency of the United States, and to lend, under the direction and regulations of the Federal Open Market Committee, any such obligation to the Secretary of the Treasury".*

*(c) Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by adding at the end thereof the following new paragraphs:*

*"(3) In unusual and exigent circumstances and when authorized, for renewable periods not to exceed thirty days, by the Board of Governors of the Federal Reserve System pursuant to an affirmative vote of not less than five members, to buy and sell, without regard to maturities, directly from or to the United States any bonds, notes, or other obligations which are direct obligations of the United*

*States or which are fully guaranteed by the United States as to principal and interest. Such purchases and sales shall be made in accordance with the provisions of section 12A of this Act. The Board of Governors of the Federal Reserve System shall include in their annual report to Congress detailed information with respect to direct purchases and sales from or to the United States under the provisions of this paragraph.*

*"(4) The aggregate amount of obligations acquired directly from the United States or loaned directly to the United States under the authority of this section which is held or loaned at any one time by the twelve Federal Reserve banks shall not exceed \$15,000,000,000."*

SEC. 2. Section 14 of the Federal Reserve Act (12 U.S.C. 353 et seq.) is amended by adding at the end thereof the following new subsection:

*"(h) The Secretary of the Treasury shall have the authority to borrow, subject to the approval and rules and regulations of the Federal Open Market Committee, any obligation referred to in subsections (b)(2) and (b)(3) from any Federal Reserve bank and to sell any such obligation in the open market for the purpose of meeting the short-term cash needs of the Treasury. Not later than six months after the date of sale of such an obligation, the Secretary of the Treasury shall repurchase such obligation and return such obligation to the Federal Reserve bank from which such obligation was borrowed. The aggregate of the face amount of obligations borrowed under the authority of this section shall be included, during the period of such borrowing, as part of the public debt subject to the limitation imposed by section 21 of the Second Liberty Bond Act (31 U.S.C. 757b)."*

SEC. 3. Except for the amendments made by subsection (a) of the first section of this Act, the amendments made by this Act shall be effective only during the five-year period which begins on the date of the enactment of this Act. Upon the expiration of such period, each provision of law amended by this Act, except section 14(b)(1) of the Federal Reserve Act, is amended to read as it did immediately prior to the enactment of this Act.

Mr. MITCHELL of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: On page 3, line 10, strike "\$15,000,000,000" and insert "\$5,000,000,000".

Mr. WYLIE. Mr. Chairman, I do not believe I need to take my full 5 minutes on this amendment. We discussed it earlier in the debate. We, also, discussed it during the debate when the bill was on the Suspensions Calendar.

This amendment simply reduces the draw authority in the bill from \$15 billion to \$5 billion, which is what it has been since 1942.

As I said a little earlier, I think there is a basis for use of this lending power, but, on the other hand, I think increasing it from \$5 to \$15 billion in this year when the inflation rate is so high might



have a bad psychological effect. So I think it is better just to continue the amount of the draw authority as it is presently authorized.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman for yielding.

We have discussed this amendment with the other side and on our side, and we are perfectly prepared to accept the amendment offered by the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I thank my friend the gentleman from Maryland for his support.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, the minority is certainly in full accord with this amendment.

Mr. WYLIE. Mr. Chairman, I thank my friend, the gentleman from Ohio, for his accord.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MITCHELL OF MARYLAND

Mr. MITCHELL of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Maryland: Section 3 is amended to read as follows:

Sec. 3. (a) Except for the amendments made by subsection (a) of the first section of this Act, and except for the amendment made by subsection (b) of this section, the amendments made by this Act shall be effective only during the five-year period which begins on the date of enactment of this Act. Upon the expiration of such period, each provision of law amended by this Act, except section 14(b)(1) of the Federal Reserve Act, is amended to read as it did immediately prior to the enactment of this Act.

(b) Upon the expiration of the five-year period which begins on the date of enactment of this Act, section 14(b)(1) of the Federal Reserve Act (12 U.S.C. 355(1)) is further amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities but only in the open market."

Mr. MITCHELL of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL of Maryland. Mr. Chairman, this amendment has been discussed in full in committee. It is simply a technical amendment which brings the legislation into conformity with existing law. That is all that is involved.

AMENDMENT OFFERED BY MR. WYLIE TO THE AMENDMENT OFFERED BY MR. MITCHELL OF MARYLAND

Mr. WYLIE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE to the amendment offered by Mr. MITCHELL of Maryland: Amend the committee amendment by striking "five-year period" each place that it appears and insert in lieu thereof "two-year period".

Mr. WYLIE. Mr. Chairman, again I think this amendment has been adequately explained. It is an amendment which I indicated I wanted to offer when the bill was on the suspension calendar.

I thought that extending the period from 2 years to 5 years is probably a little bit too much right now, and I felt that perhaps the 97th Congress ought to have an opportunity to look at the issue and work its will. So I suggest that we just extend the time for 2 years instead of 5 years. That is the full import of the amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I would be glad to yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, we are fully aware of the amendment. It has been discussed on this side and discussed with the maker of the amendment, and we are fully prepared to accept it.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for his support and for his acceptance.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, the minority is in full approval of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE) to the amendment offered by the gentleman from Maryland (Mr. MITCHELL).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL), as amended.

The amendment, as amended, was agreed to.

□ 1600

The CHAIRMAN. Are there further amendments?

If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. ROSENTHAL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3404) to amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes, pursuant to House Resolution 275, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STANTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 316, nays 75, not voting 43, as follows:

[Roll No. 168]

YEAS—316

Addabbo	Conyers	Guarini
Akaka	Corcoran	Gudger
Albosta	Corman	Guyser
Alexander	Cotter	Hagedorn
Ambro	Coughlin	Hall, Ohio
Anderson,	Courter	Hamilton
Calif.	D'Amours	Hammer-
Anderson, Ill.	Danielson	schmidt
Andrews, N.C.	Dellums	Hanley
Andrews,	Derrick	Hansen
N. Dak.	Derwinski	Hawkins
Annunzio	Devine	Heckler
Anthony	Dicks	Hefner
Ashley	Dixon	Heftel
Aspin	Dodd	Hightower
AuCoin	Donnelly	Hinson
Badham	Dougherty	Holland
Bafalis	Downey	Hollenbeck
Bailey	Drinan	Holtzman
Barnard	Duncan, Oreg.	Hopkins
Barnes	Early	Horton
Beard, R.I.	Eckhardt	Howard
Bedell	Edgar	Hughes
Bellenson	Edwards, Ala.	Hutto
Benjamin	Emery	Hyde
Bennett	Erdahl	Ireland
Bereuter	Erlenborn	Jeffords
Bethune	Ertel	Jenkins
Bevill	Evans, Del.	Jenrette
Bingham	Evans, Ind.	Johnson, Calif.
Blanchard	Fary	Johnson, Colo.
Boggs	Fascell	Jones, N.C.
Boland	Fazio	Jones, Tenn.
Boner	Fenwick	Kastenmeller
Bonior	Ferraro	Kazen
Bonker	Findley	Kemp
Bowen	Fisher	Kildee
Brademas	Fithian	Kindness
Breaux	Floppo	Kogovsek
Brinkley	Flood	Kostmayer
Brodhead	Florio	LaFalce
Brown, Calif.	Foley	Lederer
Buchanan	Ford, Mich.	Lee
Burkison	Ford, Tenn.	Lehman
Burton, Phillip	Fountain	Leland
Butler	Fowler	Lent
Byron	Frenzel	Levitas
Campbell	Frost	Lewis
Carr	Fuqua	Livingston
Carter	Garcia	Lloyd
Cavanaugh	Gaydos	Lott
Chappell	Gephardt	Lowry
Cheney	Gingrich	McClory
Chisholm	Ginn	McCloskey
Clay	Glickman	McCormack
Cleveland	Gonzalez	McDade
Clinger	Gore	McHugh
Coelho	Gradison	McKay
Collins, Ill.	Gray	McKinney
Conte	Green	Madigan

Maguire	Preyer	Stark
Markey	Price	Steed
Marriott	Pritchard	Stewart
Mathis	Pursell	Stockman
Matsui	Quayle	Stokes
Mattox	Rallsback	Studds
Mazzoli	Rangel	Swift
Mica	Ratchford	Synar
Michel	Regula	Thomas
Mikulski	Reuss	Thompson
Mikva	Rhodes	Traxler
Miller, Calif.	Richmond	Treen
Miller, Ohio	Rinaldo	Udall
Mineta	Robinson	Ullman
Minish	Rodino	Van Deerlin
Mitchell, Md.	Roe	Vander Jagt
Mitchell, N.Y.	Rose	Vanik
Moakley	Rosenthal	Vento
Moffett	Rostenkowski	Volkmer
Mollohan	Roybal	Walgren
Montgomery	Royer	Walker
Moore	Russo	Wampler
Moorhead, Pa.	Sabo	Waxman
Mottl	Santini	Weiss
Murphy, Ill.	Sawyer	White
Murphy, N.Y.	Scheuer	Whitehurst
Murtha	Schulze	Whitley
Myers, Pa.	Sebellus	Whitten
Natcher	Seiberling	Williams, Mont.
Neal	Shannon	Wilson, Bob
Nedzi	Sharp	Wilson, C. H.
Nelson	Shuster	Wilson, Tex.
Nowak	Simon	Winn
O'Brien	Skelton	Wirth
Oaker	Slack	Wolf
Oberstar	Smith, Iowa	Wolpe
Obey	Smith, Nebr.	Wright
Ottinger	Snowe	Wyatt
Panetta	Snyder	Wylder
Pashayan	Solarz	Wyllie
Patterson	Spellman	Yatron
Pease	Spence	Young, Fla.
Pepper	St Germain	Young, Mo.
Perkins	Stack	Zablocki
Petri	Staggers	Zeferetti
Peyser	Stangeland	
Pickle	Stanton	

## NAYS—75

Abdnor	Fish	McDonald
Archer	Gibbons	Marlenee
Ashbrook	Gilman	Martin
Atkinson	Goldwater	Moorhead,
Bauman	Gramm	Calif.
Beard, Tenn.	Grassley	Murphy, Pa.
Bouquard	Grisham	Myers, Ind.
Broomfield	Hall, Tex.	Nichols
Broyhill	Hance	Paul
Burton, John	Harsha	Quillen
Carney	Hillis	Rudd
Coleman	Holt	Runnels
Collins, Tex.	Huckaby	Schroeder
Conable	Ichord	Sensenbrenner
Crane, Daniel	Jacobs	Shelby
Daniel, Dan	Jeffries	Shumway
Daniel, R. W.	Jones, Okla.	Solomon
Dannemeyer	Kelly	Stenholm
Davis, Mich.	Kramer	Stump
de la Garza	Lagomarsino	Tauke
Deckard	Latta	Taylor
Dickinson	Leach, Iowa	Watkins
Dornan	Leach, La.	Weaver
Duncan, Tenn.	Loeffler	Whittaker
Edwards, Okla.	Long, Md.	
English	Lujan	

## NOT VOTING—43

Applegate	Forsythe	Patten
Baldus	Gialmo	Rahall
Blaggi	Goodling	Ritter
Bolling	Harkin	Roberts
Brooks	Harris	Roth
Brown, Ohio	Hubbard	Rousselot
Burgener	Leath, Tex.	Satterfield
Clausen	Long, La.	Stratton
Crane, Philip	Luken	Symms
Daschle	Lundine	Trible
Davis, S.C.	Lunsden	Williams, Ohio
Diggs	McEwen	Yates
Dingell	Marks	Young, Alaska
Edwards, Calif.	Mavroules	
Evans, Ga.	Nolan	

□ 1610

The Clerk announced the following pairs:

Mr. Yates with Mr. Young of Alaska.  
Mr. Roberts with Mr. Williams of Ohio.  
Mr. Baldus with Mr. Lungren.  
Mr. Applegate with Mr. McEwen.  
Mr. Blaggi with Mr. Ritter.  
Mr. Harris with Mr. Clausen.

Mr. Gialmo with Mr. Roth.  
Mr. Brooks with Mr. Brown of Ohio.  
Mr. Edwards of California with Mr. Rous-  
selot.  
Mr. Dingell with Mr. Forsythe.  
Mr. Mavroules with Mr. Philip M. Crane.  
Mr. Long of Louisiana with Mr. Burgener.  
Mr. Rahall with Mr. Goodling.  
Mr. Satterfield with Mr. Marks.  
Mr. Nolan with Mr. Symms.  
Mr. Lundine with Mr. Tribble.  
Mr. Davis of South Carolina with Mr.  
Leath of Texas.  
Mr. Luken with Mr. Patten.  
Mr. Stratton with Mr. Daschle.  
Mr. Diggs with Mr. Evans of Georgia.  
Mr. Harkin with Mr. Hubbard.

Mr. HALL of Texas changed his vote  
from "yea" to "nay."

So the bill was passed.

The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on the  
table.

## GENERAL LEAVE

Mr. MITCHELL of Maryland. Mr.  
Speaker, I ask unanimous consent that  
all Members may have 5 legislative days  
in which to revise and extend their re-  
marks and include extraneous material  
on H.R. 3404, the bill just passed.

The SPEAKER pro tempore. Is there  
objection to the request of the gentle-  
man from Maryland?

There was no objection.

#### SOCIAL WELFARE REFORM AMEND- MENTS OF 1979 AND WORK AND TRAINING OPPORTUNITIES ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-131)

The SPEAKER pro tempore laid be-  
fore the House the following message  
from the President of the United States;  
which was read and, together with the  
accompanying papers, without objection,  
referred to the Committee on Ways and  
Means, the Committee on Education and  
Labor, and the Committee on Agricul-  
ture and ordered to be printed:

#### To the Congress of the United States:

I am submitting today my Welfare  
Reform program in two bills: the Social  
Welfare Reform Amendments of 1979  
and the Work and Training Opportuni-  
ties Act of 1979. Enactment of these pro-  
posals will be an important step in ad-  
dressing the key failings of the present  
welfare system—promoting efficiency,  
improving incentives and opportunities  
to work, and substantially improving the  
incomes of millions of poor people.

For too many years, we have lived  
with a welfare system universally rec-  
ognized to be inadequate and ineffective.  
It is a crazy-quilt patchwork system  
stitched together over decades without  
direction or design. It should offer oppor-  
tunity, but often breeds dependency. It  
should encourage and reward useful  
work, but often penalizes those who find  
jobs.

The guiding principles of my proposals  
are simple: those who can work should;  
and there should be adequate support for  
those who cannot.

The legislation I am submitting today  
will:

- redirect our welfare system towards  
employment wherever possible, and  
provide training and jobs to break  
the cycle of poverty;
- help secure stable employment with  
an adequate income for millions of  
low-income families;
- save hundreds of millions of dollars  
each year by reducing waste, fraud,  
and error through tightened and  
streamlined administration;
- remove major inequities in the pres-  
ent welfare system and redirect  
assistance to those most in need and  
least able to help themselves.

In my campaign I pledged to work for  
welfare reform. The need for reform is  
no less serious now. I urge Congress to  
act promptly on this critically important  
social legislation. The need for action is  
clear:

*The present system is both inadequate  
and unacceptably unfair.* Despite major  
efforts at all levels of government in the  
last twenty years, millions of American  
families throughout the U.S. still live in  
poverty. Moreover, under the present  
system assistance to needy households  
varies widely from state to state. Welfare  
benefits, including both food stamps and  
cash assistance, range from 49 percent  
to 96 percent of the poverty level. For  
example, current combined benefits in  
Mississippi for a family of four are \$3,540  
per year, while a poor family in Vermont  
receives \$6,540. Twenty-four states have  
chosen not to provide Federally-sup-  
ported cash benefits to two-parent  
families, while twenty-six do provide  
such assistance.

Many technical provisions of current  
law are inequitable or unnecessarily re-  
strictive. For example:

- In those states which have adopted  
two-parent coverage, the family sud-  
denly loses all benefits when the  
family breadwinner begins to work  
more than 100 hours a month. For a  
minimum wage earner that is only  
\$290 per month. Yet a higher wage  
earner can earn more in 100 hours  
while retaining welfare benefits.
- A family which has been receiving  
public assistance and then starts to  
work, can continue receiving assist-  
ance even though their earnings may  
be higher than those of low-income  
families who are working but have  
never been on public assistance.

*The present system is cumbersome and  
needlessly difficult to administer.* For  
example:

- Recipients who work are required to  
submit detailed lists of work-related  
expenses—which must then be used  
to calculate benefits. This is burden-  
some to the recipient and the sys-  
tem, and invites errors and fraud.
- The basic Federal welfare program  
and the food stamp program cur-  
rently have different definitions of  
income and assets, although the  
same state offices usually administer  
both programs, and although wel-  
fare recipients are almost always  
eligible for food stamps as well.

This new legislation makes a number  
of important program simplifications



and adopts measures to reduce error and abuse. Savings from reduced errors in the first full year of implementation will be about \$300 million. This is in addition to the Administration's present efforts in child support enforcement and error reduction, which will yield savings of over \$800 million in the coming year.

*The present system provides insufficient opportunities for families to move off cash assistance and into productive jobs.* The great majority of family heads receiving cash assistance want to work. Most of the poor who are able to work do in fact work, but usually in low paying and sporadic jobs. In 1977, more than three-fifths of the 3.8 million families with children with incomes below the official poverty line had either a part-time or a full-time worker. Over a million of these families were headed by women, most of whom supplemented their meager earnings with welfare. Yet, only one-fifth of these working poor families had a worker who was able to find a full-time, year-round job. In addition, almost three million other families with children live close to the poverty line despite the efforts of one or more family workers.

Even in a period of austerity and fiscal stringency, our Nation cannot afford to ignore its most pressing needs and its most needy. We must do what we can as soon as we can.

The legislation I am submitting today will help to meet the most pressing problems of our welfare system in the following ways:

*Increase employment and training opportunities.* Those who are expected to work will be required to do so if a suitable job is available. In addition, my proposed new legislation will assure participation in a structured job search effort, add resources for training and—for those for whom a private job cannot be found—seek to provide a public sector work opportunity. There will be over 620,000 work and training opportunities for welfare eligibles including 400,000 newly funded public service employment and training slots. The program is structured to assure that required work will always pay more than welfare. Subsidized public sector jobs will only be available to those who have completed a rigorous search for private work. Thus, individuals will have substantial opportunity and incentive as well as a requirement to move from welfare to work. And the legislation assures that states will have substantial incentives to join in the effort to move individuals from welfare to work.

*Improve the fairness and adequacy of welfare cash assistance to needy families with children by:*

- establishing a national minimum benefit (for AFDC and food stamp benefits combined) at 65% of poverty, raising benefits to 800,000 people in the 13 lowest benefit States; mandating coverage of two-parent families in the 24 States which now lack this coverage; and simplifying the benefit computation and eliminating several sources of inequity in the current system.

*Improve welfare administration* by aligning definitions in the Aid to Families with Dependent Children (AFDC) and food stamps programs, standardizing certain deductions that are now itemized, tightening eligibility determinations, and building upon HEW's program of antifraud, antiwaste efforts. Furthermore, food stamps will be cashed out for a portion of the needy aged, blind and disabled population receiving Supplemental Security Income (SSI). This step towards program consolidation will extend benefits to needy individuals who are eligible but do not currently participate in the food stamp program, and simplify the welfare system for recipients and administrators.

*Expand the earned income tax credit* to provide greater assistance to low-income working families and provide greater incentives to take private sector jobs.

*Provide fiscal relief* to state and local governments.

These two bills will increase the incomes of 2.3 million families, or nearly 6.5 million people. They will remove from poverty 800,000 families, or 2.2 million people. They will achieve important gains in reducing error and waste. Their cost—\$5.7 billion when fully implemented in FY 1982—is included in the Administration's budget projections submitted to Congress last January and fully consistent with a prudent budget policy.

It is rare that the President and Congress are given the opportunity to work together on legislation that does so much to benefit so many of the most needy.

I recognize that welfare reform is a difficult undertaking. No legislative struggle in the last decade has provided so much hopeful rhetoric or so much disappointment and frustration. We have spent several months in quiet, detailed consultations working to develop a package which I hope provides a basis for a legislative consensus.

I urge the Congress to cap a decade of debate on welfare reform with action. America's people, particularly her poor, have waited long enough for important progress in this area. A society like ours must be judged by what we do for the most needy in our midst. America must meet this challenge. Congress can make an important contribution by enacting the proposals I am making today.

JIMMY CARTER.

THE WHITE HOUSE, May 23, 1979.

#### NEW LIBRARY TO BE CONSTRUCTED AT LE MOYNE COLLEGE

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, William Shakespeare knew the value of a good library. In "The Tempest" he has Prospero saying, "Knowing I loved my books, he furnished me from mine own library with volumes that I prize above my dukedom."

If a 16th century nobleman can prize books before his landholdings how much

more valuable is a library today, in light of the intervening centuries of phenomenal growth in the arts and sciences.

A modern library is a magnificent "coming together" of the finest thinking of the past and present. It is the meetingplace of thought.

Such a meetingplace is soon to rise on the campus of Le Moyne College in Syracuse.

In a booklet prepared for the campaign to raise funds for the new library it is stated:

In today's colleges and universities, teaching and learning have gone far beyond the context of instruction in the classroom or laboratory. At all levels, students and faculty are engaged in independent study. As the search for knowledge takes them back time and again to the fount of what is known, the library has come to occupy a position of central importance. No other tool of scholarship is more significant, no other place of research and reflection is more critical, no other setting is more suited to the discovery of new ideas, than a library responsive to the needs of the community it serves.

In ranking of college and university libraries, those at the most distinguished universities are at the top of the list. The implication is clear: Good colleges have good libraries. And Le Moyne will have a great one. The new facility will comprise 68,000 square feet, provide seating for 700 and allow for growth from the current 121,000 to 240,000 volumes during the next two decades.

In addition to serving as a facility where faculty and students use resource materials and conduct research in an increasing number of fields, the contemporary library is a study center used 16 hours a day. Faculty and students bring their own books and materials to the library, seeking an atmosphere conducive to study. The library has become a place where papers are actually written, not merely researched; where students complete reading assignments; and where faculty members prepare lectures, conduct research and write professional papers. Le Moyne's need for a new library has been critical for more than a decade.

In February 1973, the Reverend William L. Reilly, S.J., then president of the college, appointed a presidential committee on library planning. In subsequent years, steps were taken to make a new library a reality. Most recently, the Reverend William J. O'Halloran, S.J., Le Moyne's sixth president, appointed a total facilities planning committee which has brought the project to its present stage.

This congressional office notes with pride that Le Moyne's new library received the early stimulus of a "challenge grant" from the National Endowment for the Humanities. These grants are designed to induce institutions dedicated to the humanities to locate new or additional sources of funds. The grant must be matched in an amount triple to the Government allotment.

And so Le Moyne College, known for its deep commitment to the liberal arts will soon have a new library, a center for study, research and intellectual contem-

plation. It will also allow for proper display of the college's fine art collection. An asset not only to the college but to the wider Syracuse community as well.

We pray that it will become that "meeting place" for thought under the grace and guidance of the Holy Spirit.

□ 1620

#### FURTHER ECONOMIC AID TO SYRIA SHOULD BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

● Mr. KEMP. Mr. Speaker, the Subcommittee on Foreign Operations of the Committee on Appropriations, of which I am a member, has reviewed the evidence supporting U.S. foreign aid initiatives to the Middle East for several months. The aid package associated with the Egyptian-Israeli peace treaty is one of the most sensitive diplomatic issues the Congress has had to face, and I believe that the Congress has lived up to its responsibilities. A more serious portion of the complex diplomatic situation in the Middle East is the question of U.S. relations with Syria. Since 1975, the United States has extended more than \$350 million in economic aid to Syria—only \$62 million of which has actually been expended due to protracted delays in the execution of the aid program. The fiscal year 1980 foreign aid request of the administration included a request of \$60 million in additional economic assistance to Syria. This amount was reduced by \$15 million by the authorizing committee, and further reduced to \$22.5 million by the Foreign Operations Subcommittee.

Additional economic assistance to Syria should not be provided by the fiscal year 1980 budget, however, for two reasons: First, Syria is not part of the Middle East "peace package"—only Israel and Egypt are directly involved; second, Syria has been a leader of the band of hard line rejectionist states who have been seeking to undermine the very "peace package" that some in the Congress are seeking to support with their vote for Syrian aid. Syria continues to aid the PLO; Syria has joined other Arab States whose sole claim to unity is to drive Israel into the sea; and Syria has shown no signs that she intends to modify her belligerence. To extend even a token additional amount of assistance would reward the very behavior our policy intends to discourage. When the foreign aid appropriation bill comes to the floor, I will seek to remove such aid from the fiscal year 1980 bill. ●

#### SELECTIVE SERVICE REGISTRATION PROVISIONS OF H.R. 4040

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

● Mr. WEAVER. Mr. Speaker, there is a great deal of misinformation being bandied about regarding Selective Service

registration provisions of H.R. 4040. The following factsheet prepared by Barry Lynn, chairperson of the National Committee Against Registration and the Draft, should prove most useful for Members who wish to become better informed about this important issue.

##### I. STATUS

On May 9 the House Armed Services Committee reported H.R. 4040, the Department of Defense Authorization Bill. The bill contains the following provision: "Effective January 1, 1981, the President shall commence registration under Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) of male persons becoming eighteen years of age after December 31, 1980". It also amends the Selective Service Act so that registration takes place only for those turning 18 after December 31, 1980, and not for all those persons between 18 and 26 when registration commences (as the Act now reads). Several other provisions require that the President prepare a plan by January 15, 1980, for reform of the Selective Service System, discussing such issues as the possible induction of women and whether to register people face-to-face or through an automatic system of culling names from school records and other sources after waiver of the Privacy Act.

##### II. CONGRESSIONALLY-MANDATED REGISTRATION IS NOT NECESSARY

(1) The President already has full authority under Section 3 of the Military Selective Service Act to begin registration through a Presidential proclamation at any time he feels appropriate. Past Congresses have always committed this critical decision to the Commander-in-Chief. (Congress still maintains some control over this procedure through the appropriations process.)

(2) There is no evidence that draft registration prior to mobilization will materially enhance military readiness. Under the most recent Defense Department emergency mobilization timetable—the most stringent in history—Selective Service must provide the first inductees 30 days after mobilization, 100,000 inductees after 60 days, and 650,000 after six months.

The Congressional Budget Office in a November, 1978 study *The Selective Service System: Mobilization Capabilities and Options for Improvement* assessed Selective Service readiness. A major finding was that inductions could begin a mere 13 days sooner with registration than without it. The report concluded that with \$2 million worth of improvements in automatic data processing equipment, merger of existing computerized lists from Social Security and Internal Revenue files could produce a current address list for up to 85% of 20 year old males (the first age group Selective Service would induct) within five days. This would permit inductions to begin 25 days after mobilization, actually earlier than DoD requires. On the other hand, if registration were reinstituted, inductions could still not begin until twelve days after mobilization. The difference between the two approaches—13 days—is not of military significance.

Acting Selective Service Director Robert Shuck has stated in a May 10, 1979 letter to Senator William Cohen that with the budget proposed by the Administration (\$1.7 million in supplemental FY 1979 and \$9.8 million in FY 1980 funding) which includes funds for upgrading computer facilities and strengthening regional offices "we will be able to develop the capacity to start the delivery of inductees within 30 days," without registration prior to an emergency.

Registration forms are already printed. Current plans call for a mass registration on the eleventh day following mobilization.

##### III. IMMEDIATE IMPLICATIONS OF PASSAGE

(1) Males turning 18 on or after January 1, 1981 will be registered by the Selective Service System. When registration is in effect, Selective Service regulations require registered persons to notify Selective Service when they change their address, temporarily leave the country, and in some cases, change jobs. It is unclear at what age, if ever, these reporting requirements would cease under the proposed language.

(2) Males will be liable for classification and testing. Section 4(a) of the Military Selective Service Act (M.S.S.A.) provides: "That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces." Thus, if registration begins, the Selective Service System is under an existing statutory mandate to classify and test registrants as soon as feasible.

(3) A substantial increase in Selective Service funding will be required. An increase in the appropriations for Selective Service will be required in FY 1980 or FY 1981 to start up the System. The Defense Department has estimated the cost of re-establishing the field structure of SSS to accomplish simple registration at \$10.1 million over the FY 1979 budget of \$7.045 million. Additional costs for law enforcement and advertising are anticipated. If classification, testing, and physical examinations are conducted pursuant to Section 4(a) of the M.S.S.A., the cost will be \$62 million over the FY 1979 budget.

##### IV. PROCEDURAL HISTORY

Historically, amendments or extensions of the draft laws have been brought to the floor in separate legislation and never as an addition to a Defense Authorization Bill. For example, the last three series of draft law changes (P.L. 82-129, 1971; P.L. 90-40, 1967; P.L. 88-2, 1963) were entirely separate from those years' defense authorization. This has reflected the historical independence of the Selective Service System from the Defense Department. H.R. 4040 even specifically preserves Selective Service as "administratively independent of any other agency, including the Department of Defense."

This year, after very limited hearings, the unprecedented decision was made to attach Selective Service Act amendments to the authorization bill. An issue of such magnitude, with serious personal and fiscal implications, should be handled as separate legislation.

##### V. ADDITIONAL POLICY ISSUES

(1) Inclusion of women—H.R. 4040 presently calls for registration only of males, and would be unlikely to survive a 5th and 14th Amendment challenge on "equal protection" grounds. To withstand such scrutiny, "classifications by gender must serve important governmental objectives and be substantially related to achievement of those objectives" *Califano v. Webster*, 430 U.S. 313, 316-317 (1977). Statutes which have a disparate effect, beneficial or burdensome, on one sex are subject to the requirement that strong, demonstrable reasons for the difference exist.

Registration of women would not necessarily require induction into military combat. It would however recognize the considerable evidence that women, both in the past, and increasingly in the present All-Volunteer Force, have done exemplary service in the many technical, administrative, clerical, logistical, and medical areas which constitute 80 percent of military jobs. (A recent decision was made by the Army to equalize recruitment standards for men and women, thus increasing opportunities for



women). As long as the registration is for possible service in an unspecified military position, the burden of registration must be shared by all to avoid Constitutional infirmity.

Elimination of women from the registration requirement appears to run afoul of the recent Supreme Court warning that "legislative classifications which distribute benefits and burdens on the basis of gender carry the inherent risk of reinforcing the stereotypes about the 'proper place' of women and their need for special protection." *Orr v. Orr* 99 S. Ct. 1102, 1113 (1979).

(2) Age of Registrants. As presently drafted, H.R. 4040 will not affect any individual who will be old enough to vote in the 1980 Congressional elections. This raises a serious question of fundamental fairness, since the only person subject to the onerous registration requirement are those who are now, literally, politically powerless. This may exacerbate non-registration problems anticipated by the Defense Department.

#### VI. CONCLUSION

Draft registration now is not a military necessity, since alternatives exist for rapid registration in time of crisis. Therefore, it is not justified to subject millions of young people to the rigid scrutiny of their lives and movements which registration necessarily entails.●

#### GEORGE J. SPATUZZA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the city of Chicago lost an outstanding civic leader on May 3, George J. Spatuzza, who worked with dedication and devotion on behalf of our community for more than 58 years. He was an outstanding attorney, past supreme venerable (national president) of the Order Sons of Italy in America, and was also the recipient of many awards and honors for his splendid record of accomplishment.

On the occasion of the 50th anniversary of his admission to the bar, George Spatuzza was commended by the Illinois General Assembly, and the Illinois Bar Association conferred the title of Senior Counsellor on him, because "He has set an inspiring example of devotion and fidelity to the duties and obligations of an attorney and counsellor at law, of leadership and unselfish participation in the public affairs of his community, State and Nation."

George Spatuzza was born in Ragusa, Sicily, Italy, and came to the United States in 1909 at the age of 12. Eight years after arriving in America, he graduated from the Northwestern University Law School and that same year was admitted to the Illinois bar. During his career, he served as special deputy to the Illinois Department of Insurance, and as an expert in immigration law, was appointed by Secretary of State Dean Rusk in 1961 as an adviser to the U.S. delegation to the Intergovernmental Conference on European Migration in Geneva, Switzerland. He also was decorated four times by the Italian Government for his efforts to improve relations between the United States and Italy.

It was George J. Spatuzza who originated the national letter-writing campaign of 1948, when the members of the

Order Sons of Italy of America wrote to relatives and friends in Italy urging their opposition to the election of Communists, thus helping to defeat the Communists in the April elections and to maintain a strong Italian presence in the community of free nations.

During his term of office as Supreme Venerable of the Order, over 40,000 new members were brought into the organization, and a half million dollars was raised for the construction of the Cassino Memorial Orphanage at Cassino, Italy, to honor American soldiers who gave their lives in Italy during World War II.

Chicago has lost one of its most eminent citizens, and Mrs. Annunzio and I extend our deepest sympathy to George Spatuzza's wife, Mildred, and his children, John G. Spatuzza and Jean Reed, along with their families.●

#### IMPLICATIONS TO UNITED STATES OF EMS AND EMF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise in order again, as I have in the immediate past, to voice my concern about the developing and emerging European Monetary System—EMS, as it is known; and its companion fund, known as the European Monetary Fund—the EMF, and its implications to the United States which have been very much overlooked and not discussed at all. In fact, if I am not mistaken, I am the only Member of Congress who has addressed himself to this subject matter.

I would like to renew my concern about this development in conjunction with the development of several concomitant factors which I have also spoken out and about since 1977, one of which is the tremendous increment and commitment on the part of the largest banking and financial institutions of the United States in investments in the developing nations and their governments. This increase alarmed me in 1977, and it has continued to increase at a tremendous incremental rate. In fact, I would say it was also an exponential rate. It has gone from \$3 billion to \$47 billion in the last 2½ years.

This continues, and has provided a tremendous overhang that, together with another phenomenon, which is the tremendous acquisition on the part of banking sources by foreign investors in the United States, with this developing situation in Europe, which I believe and repeat has the most serious implications to the stability of the dollar and the financial stability of the United States.

Today, I take this opportunity only to renew my concern because of the fact that we continue to lull ourselves without addressing ourselves to this emerging and potentially destructive phenomenon, and because there are things that I believe we in the Congress—since the leadership has not come from the executive branch—have a responsibility to de-

velop. I addressed a letter to the chairman of the Banking Committee, to which I have the honor to belong, several weeks ago asking that he not go along with the intention to pass over the committee reviewing these matters, including this question of the tremendous acquisition of banking resources by foreign financial interests in the United States.

I believe a point of danger now exists which the Congress must address itself to sooner or later. So, I wish to have the opportunity as we go into this week and next week to develop further in very specific terms why it is that I am so concerned.

#### ANNOUNCING THE RELEASE OF THE STUDY ON THE EFFECTS OF NUCLEAR WAR BY THE OFFICE OF TECHNOLOGY ASSESSMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, today Senator Church and I are releasing the latest study done by the Office of Technology Assessment. It concerns the effects of nuclear war. Requested by the Senate Committee on Foreign Relations, this analysis could not be more timely.

As the chairman of the OTA, I am pleased to see this institution coming of age—addressing the toughest issues of the day in a prompt, efficient manner. Although most of the debate over the SALT Treaty has involved tonnage, warheads, launch capacity, and verification, the realities on nuclear war have received little discussion. It is difficult to exaggerate the horrors of even a limited nuclear war.

To give my colleagues a flavor for the report, permit me to itemize the conclusions of the study:

The impact upon our society of a nuclear attack of any scale is devastating—and the effects we can predict may well be less significant than those that are incalculable.

This uncertainty, and the potential horror of even small attacks, contribute to deterrence.

We in the United States are extremely vulnerable to a nuclear attack as are the Russians. Our vulnerabilities vary greatly, however.

It cannot be demonstrated that an effective sheltering and/or evacuation of the citizenry would necessarily save lives.

I recommend this study to all Members of Congress, and to the public, so that every American citizen may express his or her opinion on the SALT Treaty based upon a realistic appraisal of the terrible damage that will be done to society by nuclear weapons.●

#### LEGISLATING TO CURB DRUG TRAFFICKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LaFalce) is recognized for 20 minutes.

● Mr. LaFalce. Mr. Speaker, in his

1979 state of the Union address, President Carter reported on the progress we are making in the battle against drug abuse in the United States, a battle that involves cutting off the supply of illegal drugs entering this country from abroad. Looking to the future, President Carter singled out an area in which law enforcement activity should be concentrated. He said:

In 1979 we will stress financial investigations as a means of prosecuting those individuals responsible for the drug traffic, and will rely heavily on enlisting foreign cooperation in the overall drug program.

The President was absolutely correct; I am convinced that one of the best ways to curb drug abuse is to curb the importation of drugs, especially marijuana, cocaine, and heroin from abroad. And, the best way to curb that importation, short of preventing the drugs from being grown or processed, is to put clamps on the illegal flow of money out of the United States for the purchase of drugs.

Presently, the battle against drug imports includes financial investigations of known or suspected drug dealers. But in some specific instances, the work of the Justice Department, the Drug Enforcement Administration, the U.S. Customs Service and others is being impeded by problems with existing laws.

Recently, I traveled with Representative LESTER WOLFF, chairman of the House Select Committee on Narcotics, and members of the committee to major drug-trafficking regions in Latin America. Upon my return, I called a series of meetings with administration officials, ranging from the White House to the Drug Enforcement Administration, and including officials from Treasury and Customs, as well as special agents assigned to major drug investigations, to determine how Congress can help these investigators in their work.

After a number of meetings, conferences, and a great deal of research, I have introduced three bills in the House of Representatives that I believe will make great headway in the use of financial investigations to curb drug trafficking.

My first bill, H.R. 4072, would make it illegal to "attempt" to leave the United States with large amounts of cash without having filed a report, already required under the Bank Secrecy Act, with the Government. Present law makes it illegal to leave the country with more than \$5,000 without having filed the report, but the courts have held that a person cannot be arrested for violating this law unless he has actually left the country—and thus escaped. Even though it is illegal to attempt murder or robbery, a loophole in the law makes the illegal smuggling of large amounts of cash out of the United States a very risk-free crime.

The importance of curtailing cash smuggling is underlined by data provided by the Customs Service. Some 90 percent of the violations of this law, (those who do not sneak through the present loophole) result from criminal activity, and 80 percent of this money is drug-related. Law enforcement officials

in south Florida, a haven for drug smugglers, estimate that my bill, if it became law, could result in 100 or more successful prosecutions for money smuggling in that State alone.

Joining me in sponsoring this bill were Congressmen LESTER WOLFF, chairman of the Select Committee on Narcotics Abuse and Control, and FERNAND ST GERMAIN, the Subcommittee on Financial Institutions (which has jurisdiction over this legislation). Both share my concern over the national drug abuse problem and the difficulties in apprehending those responsible for drug trafficking and smuggling.

Both WOLFF and ST GERMAIN also cosponsored my second bill H.R. 4073, which would allow customs officials to search for unreported amounts of cash in the same way they are now permitted to search for undeclared or illegal merchandise.

As it stands now, the law requires a search warrant for cash but does not require one for other merchandise. The warrant requirement makes currency arrests vastly more difficult, even though carrying large amounts of unreported cash is just as illegal as smuggling in undeclared property or carrying contraband goods. This bill removes this distinction and permits Customs officials to treat these similar violations of the law in a similar manner.

My third bill, H.R. 4071, co-sponsored by Representative ST GERMAIN, is intended to encourage persons with information about unreported cash being transported over the border to share that information with government officials. It awards a portion of any cash seized as a result of the information disclosed to the person who provides the tip. According to Customs officials, this change will not only aid the battle against drug traffickers, but also provide a net gain to the U.S. Treasury by increasing the seizures of greater amounts of unreported cash.

When cash is smuggled out of the United States, it most often winds up purchasing drugs. The drugs, in turn, find their way into communities across the United States. Although less attention is paid to drug abuse, especially among teenage youth, than in years past, the problem continues to worsen. I think that attacking the major organized crime figures behind drug smuggling is one of the best ways to battle the drug abuse problem, and I believe that passage of my three bills would make an important contribution to that battle. ●

#### INTEGRATED ENVIRONMENTAL ASSISTANCE ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 10 minutes.

● Mr. PREYER. Mr. Speaker, I am introducing, along with Mr. STAGGERS, Mr. WAXMAN, Mr. FLORIO, Mr. SCHEUER, Mr. MURPHY of New York, and Mr. FORSYTHE, the Integrated Environmental Assistance Act of 1979. We are doing this at the request of the administration.

This act is a major legislative priority of the President and fulfills the objective

he outlined to the Congress in his 1978 environmental message, namely to consolidate the Environmental Protection Agency's grant delivery system. I think that this is a worthy concept, and I look forward to working with the administration to develop specific proposals which the Congress can support. It is my hope that hearings will take place sometime this summer, and that a thorough, consensus bill clears the House by the May 15, 1980 authorizing deadline. In this regard, I welcome comments and suggestions on the bill.

The act is particularly appropriate, because it will enhance EPA's ability to manage the Federal environmental grant program in a more effective and efficient manner. The bill proposes a program to increase environmental program flexibility, improve and simplify administration, enhance program integration, and provide incentives for good performance.

Presidential and congressional awareness of the interrelated nature of environmental problems and solutions resulted in EPA's creation in late 1970. Since that time, the number of EPA programs has grown from three programs with a grant authority of \$60 million, to 16 programs with a grant authority of nearly \$300 million. There is a growing awareness of the complexity of the cross-cutting impacts of these programs as well as the seriousness of the impacts to health and the environment. This bill calls for alternative ways to foster the total environmental grant delivery approach.

Following is EPA's section-by-section analysis of the Integrated Environmental Assistance Act of 1979.

#### SECTION-BY-SECTION ANALYSIS—INTEGRATED ENVIRONMENTAL ASSISTANCE ACT OF 1979

In his 1977 Environmental Message, the President directed the Environmental Protection Agency to prepare proposed legislation to integrate the Agency's various categorical grants supporting State and local environmental programs.

One of the principal objectives in creating EPA was to provide a framework to deal with interrelated environmental problems and to implement programs and solutions in a more effective and efficient manner. In an attempt to encourage integrated environmental programs, the Agency has allowed administrative integration of categorical State program assistance for several years. In fiscal year 1978, sixteen States were participating in this program, even though it does not provide flexibility for States to transfer funds to meet their own unique environmental priorities and needs.

The draft "Integrated Environmental Assistance Act of 1979" has been developed to alleviate the problems identified in EPA's attempt at integration under its administrative authority. The Act would allow States to apply for integrated assistance, if they so desire, in lieu of separate categorical assistance. The Administrator of the Environmental Protection Agency is given the authority to award integrated assistance when a State submits a plan demonstrating that it can effectively implement an integrated environmental program.

Consistent with the President's commitment, the Act encourages integration of environmental planning by States and local governments and strengthens coordination between State and Federal programs. The Act also increases the recipient's flexibility to address its particular environmental priorities.



ties, to propose redirection of Federal assistance, and to simplify and improve administration of environmental programs.

#### Section 1—Short Title:

Self-explanatory.

#### Section 2—Declaration of Policy:

This section declares the policy of Congress to be that comprehensive approaches to management of environmental programs are necessary at all levels of government—local, State, and Federal. Current program fragmentation often leaves gaps and allows over-laps which reduce environmental program effectiveness.

#### Section 3—Objective:

Section 3 states that the objective of the Act is to provide a mechanism to encourage EPA program recipients to design integrated environmental programs tailored to their specific needs.

#### Section 4—Definitions:

Section 4 provides basic definitions under the Act. In defining "covered programs" it establishes that integrated assistance may include program elements that address the objectives of any legislation for which the EPA Administrator is responsible (except for grants for the construction of wastewater treatment works). The integrated assistance program would permit use of assistance funds to support activities which are within EPA's mandate, but for which there is currently no assistance funding available.

#### Section 5—Integrated Program Plan:

Section 5 describes conditions that make integration appropriate; i.e., where separate program assistance may leave gaps or result in over-laps in environmental planning, management or implementation. It lists several examples of activities which can be integrated, and it establishes the basic content of integrated program plans. Integrated program plans must address the objectives of not less than two covered programs and they must adequately integrate the covered programs included. The section also requires that a single agency provide for the coordination and management of each recipient's proposed activities and that the public be adequately involved in development of integrated plans.

#### Section 6—Approval of Integrated Program Plan:

Section 6(a) lists potential benefits of integrated assistance on which the Administrator is to base his requirements governing approval of integrated program plans. The approval requirements are to be flexible enough to promote each applicant's discretion in meeting its particular needs, provided the proposed integrated program is consistent with National objectives. The Administrator must also require that integrated program plans adequately consider the effects of one program on others and use common data bases and planning and evaluation processes when appropriate.

Section 6(b) limits a recipient's activities to those the Administrator determines are consistent with the purposes of the covered programs included in the recipient's integrated plan.

Section 6(c) requires timely Administrator review of proposed integrated program plans. The Administrator may approve all or part of the integrated program plan. However, if he denies an applicant's inclusion of any categorical program in an integrated award, the Act provides the applicant not less than 60 days to apply for categorical assistance for that program.

Section 6(d) establishes criteria for the Administrator's review of integrated program plans.

Section 6(e) requires the Governor of a State and the Chief executive officer of a local government to sign integrated assistance applications. This requirement is included to assure high level support and involvement in program integration.

#### Section 7—Authority; Limitations:

Section 7(a) authorizes the Administrator to award integrated assistance in lieu of categorical assistance to achieve the objectives of the Act and the substantive requirements of the covered programs included in each applicant's integrated program plan.

Section 7(b) clearly states that neither award of, nor application for, integrated assistance in one year obligates the Administrator to approve, nor the State to apply for, integrated assistance in a subsequent year. In fact, it requires the Administrator to make an affirmative finding that a previous year's award effectively served the purposes of the Act and the covered programs. It also provides criteria for the Administrator to consider in making this determination.

Section 7(c) is self explanatory.

Section 7(d) restricts participation to 15 States and 25 local governments in 1980 and, provided the Administrator finds the program was successful in 1980, to 30 States and 50 local governments in 1981. It requires competitive selection of recipients in 1980 which should assure that only the most capable States will receive integrated awards that year.

#### Section 8—Assistance for Local Governments and Interstate Agencies:

Section 8 enhances EPA's ability to fund local programs by permitting local governments and interstate agencies to receive integrated assistance, with State concurrence. All current authorities for local governments and interstate agencies to receive categorical program grants continue in effect.

Normally local governments and interstate agencies will receive integrated grants as a pass-through from the State; however, under this legislation EPA may directly award integrated assistance to local governments and interstate agencies when the State either does not apply for integrated assistance, or does not make adequate provision for the local government or interstate agency, and the applicant is otherwise eligible to receive funds under the covered programs.

Local governments or interstate agencies may receive integrated assistance for programs for which they are not otherwise directly eligible, if the State consents and the Administrator agrees to their application. Generally, in such cases, the amount of the State's allotment will be reduced by the amount of the assistance to the local government.

#### Section 9—State/Local Consultation:

Section 9 emphasizes the requirement that States consult with local governments during the process of developing integrated program plans.

#### Section 10—Funding for Local Participation:

Section 10 requires that a local entity which is given responsibility for carrying out particular elements or outputs contained in an integrated program plan be given State or Federal funds through that plan, to meet its responsibility.

#### Section 11—Funding Flexibility:

Section 11 authorizes the Administrator to permit applicants flexibility to propose to transfer funds among the covered programs in their approved plans with a restriction. The State plan may not reduce the amount of funding for any categorical program to less than 80% of the level provided under the categorical assistance approach. (Funding flexibility also applies to non-Federal funds.) If it is appropriate to the approved plan, for example, it would be possible to increase the funds in one program by shifting 20% of the funds from all the others. In other words, each categorical allocation could be reduced by up to 20%, and that sum could be used by any combination of the others—as long as the activity is one for which the Administrator is responsible

and is within the scope of the covered programs included under the recipient's integrated program plan.

#### Section 12—Accountability:

Section 12 is designed to tie recipient expenditures to the approved integrated program plan, and to relate recipient accounting to that plan, in lieu of current requirements for accounting by individual programs.

#### Section 13—Supplementary Assistance:

Section 13 allows each applicant for integrated assistance to compete with others for funds—called supplementary assistance—in addition to the amounts available from the allotments of the covered programs. Applicants applying for supplementary assistance will propose non-recurring projects that are innovative, of special national significance, or that address other special environmental needs. Acceptable projects may include establishment of an environmental permit system, development of a State civil penalties program, start-up costs associated with assumption of pesticides enforcement delegation, establishment of State regional pollution control offices, or creation of an agency-wide environmental inspection system.

Section 13 also provides criteria which the Administrator will consider in ranking and selecting supplementary assistance projects.

#### Section 14—Administrative Provisions:

Section 14(a) provides for use of unobligated funds by the Administrator—by reallocation, contract, or other appropriate means—to achieve the purposes for which they were intended if the recipient does not achieve the expected program accomplishments.

Section 14(b) establishes a single maintenance-of-effort to replace the several existing matching and maintenance-of-effort requirements. This requires that the recipient expend in the fiscal year—for recurrent costs, e.g. salaries, personnel benefits, and other continuing costs—an amount that is not less than the amount spent for such purposes during the base fiscal year. The base fiscal year is the year prior to the year each covered program entered into integrated assistance. EPA may reduce the amount of non-Federal funds required if there is a general reduction in expenditures of executive branch agencies of the recipient.

#### Section 15—Effective Date and Criteria Development:

Section 15 establishes that integrated assistance may be awarded beginning in fiscal year 1980 and for four years thereafter.

The Administrator is to issue regulations to establish the program promptly (within 180 days) after passage of the Act.

#### Section 16—Regulations:

Section 16 provides general authority for EPA to issue necessary regulations to implement the Act.

#### Section 17—Authorization:

Section 17 provides, in addition to funds authorized to be appropriated under covered programs, that there be \$25,000,000 authorized for supplementary assistance for the 1980 fiscal year and that such sums as necessary be authorized for the period 1981-84.

#### Section 18—Detail of Personnel:

Section 18 allows the Administrator to detail EPA employees to recipients to assist in carrying out an approved integrated program plan. Thus, EPA can provide any needed technical assistance, training or extra manpower. The section also allows the Administrator to reduce the recipient's assistance amount by the cost related to the detail.

#### Section 19—Sunset Provision; Report to Congress:

Section 19 establishes a "sunset provision". The Act will expire on September 30, 1984, unless Congress extends it.

The section also requires the Administrator to submit a report to Congress by Sep-

tember 30, 1983, which describes the extent recipients have integrated programs under the Act, evaluates those programs, and makes recommendations with respect to continuing the integrated assistance program.●

#### TAX-EXEMPT STATUS FOR FRATERNAL SOCIETIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

● Mr. COTTER. Mr. Speaker, I have been in contact with the Knights of Columbus who are concerned that they may be adversely affected by an unforeseen interpretation of section 501(i) of the Internal Revenue Code. This section of the code prohibits a tax-exempt status for organizations which discriminate on the basis of religion, but the technical problem this creates for the Knights was not intended when the law was enacted. Therefore, I am introducing legislation to correct this situation.

The Knights of Columbus are exempt from Federal income tax under section 501(c) (8) of the Internal Revenue Code. However, subordinate lodges of the Knights are unincorporated, therefore those lodges desiring to hold title to real property must form an affiliated corporation. Some 2,000 of these affiliated corporations are exempt from the income tax under section 501(c) (7) of the code as "social clubs."

As a member of the committee in 1976, it is my recollection that section 501(i) was aimed at organizations whose composition was not religiously centered, who had several religions represented among its members, but who refused membership to someone simply because they were a member of a particular religion. In order to be a member of the Knights of Columbus and, therefore, a member of one of these affiliated corporations, an individual must be a practicing Catholic. This is not the type of "discrimination" section 501(i) was designed to prohibit.

It should be clearly understood that the Knights themselves will continue to be exempt from income tax under section 501(c) (8). It is only those affiliated corporations established to hold title to real property and which happen to have filed for an exemption under section 501(c) (7) which are in danger of losing tax-exempt status. The legislation I am introducing today will correct this situation by exempting auxiliaries of a fraternal beneficiary society from the provisions of section 501(i) under certain conditions. This merely returns these auxiliaries to the status they enjoyed prior to 1976.

I am including at this point in the RECORD a copy of my bill:

H.R. 4201

A bill to amend the Internal Revenue Code of 1954 with respect to the exempt status of auxiliaries of certain fraternal beneficiary societies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (i) of section 501 of the Internal Revenue Code of 1954 is amended by adding

at the end thereof the following new sentence: "The preceding sentence to the extent it relates to discrimination on the basis of religion shall not apply to an auxiliary of a fraternal beneficiary society if such society is described in subsection (c) (8) and is exempt from tax under subsection (a) and if such society limits its membership to the members of a particular religion."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after October 20, 1976.●

#### JAMES F. SHARKEY RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mrs. SPELLMAN), is recognized for 5 minutes.

● Mrs. SPELLMAN. Mr. Speaker, James Bryant Conant, the renowned educator and president of Harvard University, once said:

Each honest calling, each walk of life, has its own elite, its own aristocracy based on excellence of performance.

Excellence of performance. Those words, Mr. Speaker, epitomize a former colleague, a highly respected professional, an aristocrat of the law, a friend.

In just a few days, friends and co-workers of Mr. James F. Sharkey will be honoring him as he retires from a long and distinguished career with the county attorney's office in my own Prince Georges County, Md. I rise today to give him the recognized honor he so richly deserves for the many years he has served the citizens of our area.

Born and reared in Scranton, Pa., Jim Sharkey settled in Maryland after his Army stint. He graduated from George Washington Law School and was in private law practice before joining our county attorney's office in 1967. For 12 years, he has continuously served as an associate county attorney, providing expertise in the zoning and planning areas. We, the elected officials who had difficult decisions to make, turned time and time again to Jim Sharkey for answers—answers we were certain were sound. His steady counsel and advice we knew were fashioned only after he had completed exhaustive research. Reliability was his credo then as it is today.

Mr. Speaker, I will not be able to be present when Jim's many friends say goodbye, and I truly regret that I cannot. But I know all the Members in this House join me today in wishing him well. He and his wife, Florence, will be heading for the Sun Belt to sit on the beach, watch the waves and enjoy the relaxed hours of retirement. But, if I know Jim Sharkey well at all, and I think I do, his intellectual curiosity will soon have him involved in other pursuits, other challenges. Whatever those projects might be, I know that Jim will assume them with the same degree of commitment and concern he has always given to the citizens of Prince Georges County. Good luck, Jim.●

#### FINANCIAL DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, as I have done every year since my first election to Congress, I am today disclosing a statement of my assets and liabilities, a schedule of securities which I own, a schedule of other securities of which I am an income beneficiary and a schedule of the taxes I paid in calendar year 1978. While this disclosure goes beyond what is required by law at the present time, I am the sponsor of legislation requiring full financial disclosure, believing this to be the best protection of the public interest.

The statement and schedules are as follows:

*Richard L. Ottinger, statement of assets, liabilities, and capital, as at March 31, 1979*

ASSETS	
Cash .....	\$3,196
Savings certificate .....	205,435
Assets held by Richard L. Ottinger Trust, Dated March 19, 1969:	
Marketable securities, cost \$568,120, at market value (Schedule 1) .....	1,776,310
Investment in limited partnership, at cost .....	250,000
	<hr/> 2,026,310
Real estate: Residences in Mamaroneck, N.Y. and Washington, D.C., at estimated market value .....	550,000
	<hr/> 2,784,941

LIABILITIES AND CAPITAL	
Liabilities:	
Notes and loans payable:	
Testamentary Trust u/w/o Lawrence Ottinger f/b/o Richard L. Ottinger .....	301,912
Patricia L. Chernoff .....	150,000
Louise L. Ottinger .....	350,000
Trust u/a dated 10/30/57 f/b/o Richard L. Ottinger .....	50,000
Other loans payable .....	40,000
Mortgage payable .....	99,000
	<hr/> 990,912
Income taxes payable on unrealized gain on marketable securities .....	422,867
	<hr/> 1,413,779
Total liabilities .....	1,413,779
Capital .....	1,371,162
	<hr/> 2,784,941

*Richard L. Ottinger, schedule of marketable securities held in Richard L. Ottinger trust, as at March 31, 1979*

STOCKS	Current market value
American Telephone & Telegraph Co. (500 shares) .....	30,500
Anheuser Busch, Inc. (2,850 shares) .....	68,400
Champion International Corp. (765 shares) .....	18,934
Connecticut General Insurance Co. (2,700 shares) .....	97,875
International Business Machines Corp. (1,038 shares) .....	327,489
Simplicity Pattern Co., Inc. (11,898 shares) .....	136,827
Travelers Corp. (1,200 shares) .....	45,150
Weyerhaeuser Co. (7,494 shares) .....	232,314
Xerox Corp. (8,100 shares) .....	472,838
	<hr/> 1,430,327



## BONDS

Ascension, St. James Bridge & Ferry Auth. Ln., 4.45%, 11/1/2001 (\$50,000)-----	39,750
Federal Land Banks, 8.15 percent, 4/20/82 (\$30,000)-----	28,988
Federal Land Banks, 7.80 percent, 1/20/82 (\$70,000)-----	67,112
New York State Mtge. Finances Agency, 6.9 percent, 4/1/83 (\$50,000)-----	50,120
New York State Mtge. Agency, 5.7 percent, 10/1/96 (\$50,000)-----	47,000
P/H/A Puerto Rico, 5.55 percent, 1/11/80 (\$25,000)-----	25,059
Westmoreland Co. Indust. Dev. Pa., 4.6 percent, 12/1/85 (\$25,000)-----	22,954
	280,983

## COMMERCIAL PAPER

General Motors Accept. Corp. Note, 9.422 percent, 4/17/79 (\$65,000)-----	65,000
Total-----	1,776,310

Richard L. Ottinger, schedule of assets of various trusts in which Richard L. Ottinger is income beneficiary, as at March 31, 1979

## STOCKS

	Current market value
American Telephone & Telegraph Co. (400 shares)-----	\$24,400
Anheuser Busch, Inc. (3,000 shares)-----	72,000
Atlantic Richfield Co. (400 shares)-----	24,600
International Business Machines Corp. (158.60 shares)-----	50,038
Perkin Elmer Corp. (3,600 shares)-----	117,900
	288,938

## BONDS

Xerox Corp., 8.2 percent, 11/1/82 (\$40,000)-----	38,334
Nevada Housing Div., 4.8 percent, 4/1/86 (\$30,000)-----	27,577
Pennsylvania, 4½ percent, 7/1/2000 (\$25,000)-----	18,742
New York, N.Y., 5 percent, 5/1/91 (\$15,000)-----	10,198
Federal Land Banks, 8.15 percent, 4/20/82 (\$15,000)-----	14,494
Puerto Rico Commonwealth, 4.5 percent, 7/1/97 (\$30,000)-----	19,728
Alaska State, 5.40 percent, 1/1/84 (\$12,200)-----	11,900
Ascension, St. James Bridge & Ferry Auth. La., 4.45 percent, 11/1/2001 (\$25,000)-----	19,875
New York State Mtg. Finances Agency, 6.9 percent, 4/1/83 (\$15,250)-----	15,287
New Jersey Turnpike Auth., 5.2 percent, 1/1/2008 (\$9,150)-----	7,595
P/H/A Philadelphia, Pa., 4.61 percent, 10/5/79 (\$6,100)-----	6,075
P/H/A Puerto Rico, 5.58 percent, 2/8/80 (\$36,600)-----	36,771
P/H/A Puerto Rico, 5.55 percent, 1/11/80 (\$34,150)-----	34,229
P/H/A Washington, D.C., 2.5 percent, 5/1/91 (\$9,150)-----	6,201
Bedford, New Castle, etc., N.Y., 3 percent, 6/1/82 (\$9,150)-----	7,764
Baltimore City, Md., 4 percent, 8/1/86 (\$9,150)-----	7,697
Chelan Co., Wash., 3.4 percent, 12/1/2003 (\$9,150)-----	6,634
So. San Joaquin, Calif., 3.05 percent, 7/1/2004 (\$9,150)-----	6,497
P/H/A Lewiston, Me., 5.83 percent, 2/8/80 (\$40,000)-----	40,270
	335,868

Cash (Overdrawn)-----	(136)
Total-----	624,670

The above securities are not reflected as assets of Richard L. Ottinger since he is only

an income beneficiary of the Trusts. The schedule is prepared for informational purposes.

## SCHEDULE 3—RICHARD L. OTTINGER—SCHEDULE TAXES PAID IN 1978

Federal income tax-----	\$47,672.00
State and local income tax-----	12,921.89
New York and District of Columbia property tax-----	13,745.00
Total taxes paid-----	74,338.89

## WHEN IT COMES TO PEOPLE WE ARE NOT THINKING AHEAD

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. OTTINGER. Mr. Speaker, we are a forward-looking nation, forever poised with one foot on the threshold of a better tomorrow. Whether in settling the West or landing on the Moon, we have been thinking about tomorrow. Even as we have shifted from simply discovering new resources to also planning for their conservation, our sights have been on the future.

But, as syndicated columnist Ellen Goodman has written recently, we often overlook what is most fundamental to our lives and well-being. In my opinion, when it comes to people themselves, we are not thinking or planning ahead.

That is the most striking findings of the House Select Committee on Population last year. There were 16 members on the committee. They represented both parties, almost all standing committees of the House, and certainly a variety of points of view on the role of government in private well-being. After a year's work, the committee members concluded:

The federal government has no capacity to plan systematically for population changes; yet changes in the size, age composition and geographical distribution of the population can, and often do, have profound effects on federal policies, and federal policies and programs often influence the direction of population change unintentionally.

We are trying to plan ahead for adequate energy, reduced inflation, fuller employment, more effective education, improved health care, a better protected environment. More often than not we persist in ignoring what is most fundamental to all of these—people themselves.

As Members of Congress we should be more aware of that than most in government. When our communities grow at boomtown rates we are among the first to hear about it. When their age compositions change, it registers in our constituents' letters and requests. When public schools are bursting at the seams or closing down, the Halls of Congress are one of the places where solutions are expected to be found. And, obviously, when our districts change in size, our offices experience the effects.

These kinds of population changes are so basic to so much of our work in Congress, yet they receive so little direct attention. The Federal Government at large is no exception. The select committee has reported:

Policymakers at all levels of government and the American public have limited under-

standing of the long-term consequences of population change for individuals and society as a whole. The federal government has not made a concerted effort to educate either the public or the policymakers about population trends and their consequences.

During 1978, much of the work of the select committee was to assist standing committees to expand on their review of population issues, including contraceptive development, immigration, and foreign aid for population planning. But I believe the committee's greatest contribution to the work of the House was to identify an issue to which no single committee had given attention—population change and Federal policymaking.

In its final report of recommendations, the committee concluded:

Policies which influence or are influenced by population change can be found in all federal agencies. Yet, no single agency has the authority to coordinate these often-conflicting policies. The Committee recommends that the Congress undertake a through investigation to identify all population-sensitive programs and policies, to assess their impact on population, and to consider alternative mechanisms for improving the ability of the federal government to:

(a) conduct continuing analysis of the interrelationship of demographic change and federal programs and policies;

(b) coordinate programs and policies which will be affected by changes in the size, composition and geographical distribution of the population, or which may affect population; and

(c) develop alternative policies and programs for planning for future population change and assess the short-term and long-term costs and benefits of each course of action.

The work of the Select Committee on Population is completed. Under the leadership of its Chairman JAMES SCHEUER and its ranking minority member, JOHN ERLERNBORN, the committee has compiled recommendations that are geared to improving the work and effectiveness of Congress and the administration, not just to highlighting population issues. Now the work of the House begins—as individual members and committees—to act on these recommendations.

I, for one, am especially concerned about the committee's finding that the—

United States has no explicit policy outlining goals relating to the overall size, growth and distribution of the population.

To encourage debate and support for coordinated Federal planning for population change and eventual stabilization, I will be introducing soon legislation to declare a national population policy for stabilization and to establish a White House Office of Population Policy.●

## REGIONAL PRIMARY BILL

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. OTTINGER. Mr. Speaker, with the 1980 Presidential race already growing heated, the time to face the crucial issue of primary reform is now. We have the opportunity to create a better, more efficient method for determining Presidential nominees than the institutionalized chaos of the present expensive and unproductive patchwork of primaries.

To take advantage of this opportunity, I am today introducing legislation to establish a regional primary system for selecting major party nominees for the Presidency. This bill will preserve and, indeed, enhance, the importance of the individual States in the process of nominating Presidential candidates. At the same time, it will provide an essential, rational perspective from which to evaluate the meaning of a State's primary results.

Today's hodgepodge of primaries accomplishes very little besides determining which candidates have the stamina to crisscross the country, running from this State to that, and stopping only long enough for a brief, breathless speech and a few hurried handshakes. Under my bill, each State would be assigned to one of five regions and would hold a Presidential primary on the same day as the other States in the region. The five primaries, separated by 3-week intervals, would extend from April to June each Presidential election year. The sequence of the regional primaries would be determined by lot. Candidates would have the time to adequately present themselves and their views to the voters.

I believe that enactment of the regional primary bill will make the Presidential nominating process more informative, more accessible, and thus more democratic. Certainly, this is the year for Congress to take action on this important reform.

The text of the bill follows:

#### REGIONAL PRIMARY ACT OF 1979

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION. 1. This Act may be cited as the "Regional Presidential Primaries Act of 1979."

#### FINDINGS

SEC. 2. The Congress finds that

(1) the proliferation of elections held by States for the election of delegates to national nominating conventions and for the expression of a preference for the nomination of individuals for election to the office of President subjects candidates for nomination for election to such office to physical exhaustion, danger, and inordinate expense;

(2) there is no uniformity among State laws with respect to the effect of such elections on delegates to the nominating conventions held by political parties;

(3) the confusion caused by this lack of uniformity in State laws gives rise to cynicism, frustration, and distrust of the nomination process;

(4) a system which both standardizes the holding of Presidential primaries and permits States to continue to play a substantial role in such primaries would improve the Presidential nominating process;

(5) the national nominating conventions held by political parties constitute an integral part of the process by which the President is chosen by the people of the United States; and

(6) in order to protect the integrity of the Presidential election process and provide for the general welfare of the Nation, it is necessary to regulate that part of the process which relates to the nomination of candidates for election to the office of President.

#### ESTABLISHMENT OF REGIONAL PRIMARIES

SEC. 3. (a) Each State shall conduct an election for delegates to national nominating conventions for the nomination of individual for election to the office of Presi-

dent in accordance with the provisions of this Act.

(b) (1) Five regional primaries shall be held during each Presidential election year. The first regional primary shall be held on the first Tuesday of April, and an additional regional primary shall be held on the Tuesday of each of the third, sixth, ninth, and twelfth succeeding weeks. Thirty days before the date of the first regional primary, the Commission shall determine by lot the region in which such primary is to be held. The Commission then shall determine by separate lot, conducted thirty days before the date of each subsequent regional primary except the last, the region in which each subsequent regional primary is to be held.

(2) The ballot for a regional primary conducted by each State under paragraph (1) shall include the names of (A) each candidate who is eligible to appear on the ballots of each State in the region involved under subsection (c) (1); and (B) each candidate who is eligible to appear on the ballot of the particular State under subsection (c) (2).

(c) (1) The ballot of each regional primary which is held under this section shall include the name and political party affiliation of any candidate with respect to whom the Commission has certified payments under section 9035(a) of the Internal Revenue Code of 1954 (relating to initial certifications), and who remains eligible to receive payments from the Secretary of the Treasury or his delegate under chapter 95 or chapter 96 of the Internal Revenue Code of 1954, on the date of the regional primary involved.

(2) An individual whose name is not placed on a regional primary ballot under paragraph (1) may have his name and the name of the political party with which he is affiliated appear on the ballot of any State participating in the regional primary involved, if he is eligible for election to the office of President, by (A) notifying the Secretary of State of the State involved (or, if there is no office of Secretary of State, the equivalent State officer) in writing that he is a candidate for nomination by a specified political party for election to the office of President; and (B) presenting such Secretary of State or equivalent State officer with a petition supporting his candidacy for such nomination signed by at least 1 percent of the individuals who are registered to vote in the State involved.

(3) (A) The Commission shall announce the names of any candidates who are entitled to be on the ballot of any regional primary under paragraph (1) no later than thirty days before the date of the regional primary involved.

(B) (1) The Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) shall transmit to the Commission the names of any candidates who are entitled to be on the ballot of the State involved under paragraph (2) in connection with a regional primary. Such transmission shall be made no later than thirty days before the date of the regional primary involved.

(2) The Commission shall certify the ballot of each State as soon as practicable after receiving a transmission from the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the State involved under clause (1).

(d) (1) Subject to such guidelines as the Commission may establish, the regional primary shall be conducted in each State by officials of such State charged with conducting elections.

(2) Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Each voter shall be eligible to vote only for delegates for a candidate for nomination by the party of such voter's registered affiliation. If the law of any State makes no

provision for the registration of voters by party affiliation, voters in such State shall register their party affiliation in accordance with procedures established by the Commission.

(e) The chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission within a period of time after such date, not exceeding fifteen days, prescribed by the Commission.

#### DESIGNATION OF CONVENTION DELEGATES

SEC. 4. (a) (1) Any candidate whose name appears on the ballot of any regional primary under section 3(c), or an authorized representative of such candidate, shall designate the names of individuals to serve as delegates of such candidate in each State participating in the regional primary involved. The number of delegates designated in each State under the preceding sentence shall be equal to the number of delegates to which such State is entitled at the national nominating convention involved.

(2) Delegates designated under paragraph (1) shall be listed on the ballot under the name of the candidate making such designation. Such delegates shall be listed in accordance with a ranking to be determined by such candidate.

(3) Delegates to which any candidate is entitled at a national nominating convention shall be selected from the list of delegates designated by such candidate in accordance with the ranking determined by such candidate under paragraph (2), except that such selection shall be made in a manner which is consistent with any rule of the national political party involved relating to categories of persons which shall be represented as delegates at the national nominating convention of such political party.

(4) An individual may serve as an authorized representative of a candidate for purposes of paragraph (1) only if such authorization is transmitted to the Commission in writing by such candidate.

(b) The number of delegates which a candidate may receive in any State in connection with a regional primary is a number which is a percentage of the total number of delegates from such State to his party's national nominating convention equal to the percentage of the votes cast by members of his party in such State received by him in the primary.

(c) (1) If a candidate in a regional primary receives less than the greater of—

(A) 5 per centum of the votes cast by members of his political party in such regional primary; or

(B) a percentage of votes which would entitle such candidate to one delegate, if one delegate constitutes more than 5 per centum of the total number of delegates to be appointed in the region involved; no individuals may be appointed as delegates of such candidate in any State in the region involved.

(2) The percentage of votes cast in any State in a regional primary for any candidate who is not entitled to any delegates as a result of the provisions of paragraph (1) shall be—

(A) apportioned among other candidates of the same political party who received votes in such State, on the basis of the number of votes received by each such candidate; and

(B) added to the percentage of votes received by each such candidate in such State, for purposes of determining the number of delegates which may be appointed for each such candidate.

#### CONVENTION BALLOTING

SEC. 5. (a) (1) A delegate to a convention held by a political party for the nomination of a candidate for election to the office of President shall vote for the nomination of the candidate for whom he was appointed until—



(A) two ballots have been taken;  
 (B) such candidate receives less than 20 per centum of the vote on a ballot; or  
 (C) such candidate releases such delegate.  
 (2) In any case in which a candidate for whom any delegate is appointed ceases to be a candidate before the first ballot has been taken at the nominating convention of the political party involved, any such delegate shall be considered to be uncommitted for purposes of such first ballot.

(b) If an individual receives a majority of the votes cast on a ballot at the nominating convention of a political party, he shall be the nominee of such party for election to the office of President. A subsequent ballot may be taken to reflect the support of the entire convention for such candidate, but the result of the subsequent ballot shall not, in such case, result in the nomination of a different individual for election to such office.

(c) The individual who will be the candidate for a political party for election to the office of Vice President shall be selected by the convention held by such party in accordance with such procedures as it may adopt.

#### REIMBURSEMENT OF STATES FOR COSTS OF PRIMARY

SEC. 6. Upon application therefor, the Commission shall reimburse each State for any reasonable costs it incurs in conducting a regional primary held in accordance with the provisions of this Act. Such reimbursement shall be made in accordance with such rules as the Commission may prescribe. Such applications shall be submitted at such times, and in such form, and shall contain such information, as the Commission shall require.

#### FILING FEE REQUIREMENT

SEC. 7. (a) Any candidate whose name appears on the ballot of any regional primary under section 3(c) shall pay a filing fee of \$10,000 to the Commission.

(b) The filing fee required by subsection (a) shall be refunded by the Commission to the candidate paying such fee if such candidate receives 2 per centum or more of the votes cast by members of the political party of such candidate in the regional primary involved.

(c) Payment of a filing fee by a candidate under this section shall be made to the Commission no later than such date before the regional primary involved as the Commission may establish, except that such date shall not be earlier than thirty days or later than fifteen days before the date of the regional primary involved.

(d) Any filing fee which is not refunded by the Commission under this section shall be paid into the general fund of the Treasury of the United States.

#### DUTIES OF THE FEDERAL ELECTION COMMISSION

SEC. 8. (a) The Commission shall meet before each regional primary and at such other times as it considers necessary, and shall—

(1) prescribe the date, after the date of a regional primary, on which the chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission;

(2) promulgate guidelines and procedures to be followed by the States in conducting regional primaries;

(3) review applications for reimbursement submitted under section 6, prescribe the time of submission, form, and information content of such applications, and determine and pay the amount to be reimbursed to each State under such section;

(4) consult and cooperate with State officials in order to assist them in conducting regional primaries; and

(5) take such other actions as may be necessary to carry out the provisions of this Act.

(b) The Commission shall report to the Congress and the President not later than one hundred and eighty days prior to the date of the first regional primary to be held under this Act on the steps it has taken to implement the provisions of this Act, together with recommendations for additional legislation, if any, which may be necessary in order to carry out the regional primary system established under this Act.

#### EFFECT ON STATE LAW

SEC. 9. The provisions of this Act supersede and preempt any provision of State law relating to any election or convention held in connection with the nomination of any candidate for election to the office of President.

#### DEFINITIONS

SEC. 10. As used in this Act, the term—  
 (1) "Commission" means the Federal Elections Commission;

(2) "region" means any of the following five regions:

(A) region 1 comprises Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Pennsylvania, New Jersey, and Delaware.

(B) region 2 comprises Michigan, Illinois, Indiana, Ohio, West Virginia, and Kentucky;

(C) region 3 comprises the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone;

(D) region 4 comprises North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, and Louisiana; and

(E) region 5 comprises Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, and Guam;

(3) "regional primary" means an election held in accordance with the provisions of this Act for the expression of a preference for the nomination of individuals for election to the office of President;

(4) "national political party" means a political party whose Presidential electors received in excess of 25 per centum of the total number of votes cast for all Presidential electors in the most recently held Presidential election, except that in any such election in which less than two political parties receive in excess of 25 per centum of the total number of such votes, such term shall mean a political party whose Presidential electors received in excess of 15 per centum of the total number of such votes;

(5) "candidate" means an individual who is a candidate for nomination by a political party as its candidate for election to the office of President;

(6) "national nominating convention" means a convention of a national political party held under the constitution and rules of such party for the nomination of candidates for election as President and Vice President and for such other purposes as may be specified in such constitution and rules; and

(7) "State" means the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and each of the United States.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BALDUS (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. RAHALL (at the request of Mr. WRIGHT), for today, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SNOWE) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 5 minutes, today.

Mr. MICHEL, for 30 minutes, May 24, 1979.

Mr. MYERS of Indiana, for 30 minutes, May 24, 1979.

Mr. GOLDWATER, for 5 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. LAFALCE, for 20 minutes, today.

Mr. PREYER, for 10 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mrs. SPELLMAN, for 5 minutes, today.

Mr. OTTINGER, for 5 minutes, today.

Mrs. SPELLMAN, for 5 minutes, on May 24, 1979.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, to include extraneous matter in his remarks on the bill H.R. 3767.

(The following Members (at the request of Mrs. SNOWE) and to include extraneous material:)

Mr. SHUSTER.

Mr. ERLBORN.

Mr. RAILSBACK.

Mr. FINDLEY.

Mr. GREEN.

Mr. MICHEL.

Mr. MCCLOSKEY.

Mr. ANDERSON of Illinois.

Mr. SOLOMON.

Mr. KEMP.

Mr. BROOMFIELD.

Mr. GRASSLEY.

Mr. LEE.

Mr. DERWINSKI in two instances.

Mr. GOLDWATER.

Mr. ROUSSELOT.

Mr. BEREUTER.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. FORD of Michigan.

Mr. FROST.

Mr. HALL of Ohio in five instances.

Mr. STARK in two instances.

Mr. FAUNTROY.

Mr. SKELTON in two instances.

Mr. RICHMOND in two instances.

Mr. MURPHY of Illinois.

Mr. WAXMAN.

Mr. NELSON.

Mr. MAGUIRE.

Mr. LONG of Maryland.

Mr. LAFALCE.

Mr. WHITE.  
 Ms. MIKULSKI.  
 Mr. DASCHLE.  
 Mr. DODD in two instances.  
 Mr. LEHMAN.  
 Mr. HAMILTON.  
 Ms. OAKAR.  
 Mr. BONIOR of Michigan in two instances.  
 Mr. BARNES.  
 Mr. MINETA.  
 Mr. WEAVER.

### ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Thursday, May 24, 1979, at 10 o'clock a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1667. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1977, as amended, to improve food stamp program fiscal accountability through reductions in inaccurate eligibility and benefit determinations, and intensified fraud detection and recovery procedures; and to remove specific dollar limitations on appropriations while continuing to limit expenditures to available funds; and for other purposes; to the Committee on Agriculture.

1668. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1979, and budget amendments for fiscal year 1980 (H. Doc. No. 96-132); to the Committee on Appropriations and ordered to be printed.

1669. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting interim final regulations to establish and govern the proceedings of an Education Appeal Board, as mandated by the Education Amendments of 1978, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1670. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed revisions in the 1979-80 Family Contribution Schedules for the basic educational opportunity grant program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. Supplemental report on H.R. 3000. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes (Rept. No. 96-196, Pt. IV). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 281. A resolution providing procedures during the further consideration of S. 869. An act to amend section 207 of title 18, United States Code (Rept. No. 96-212). Referred to the House Calendar.

H.R. 3575. A bill to provide the Secretary of Agriculture with flexibility in the imposition of marketing penalties for peanuts; with amendment (Rept. No. 96-213). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 3243. A bill to amend title V of the Public Utility Regulatory Policies Act of 1978 to authorize the President to recommend waiver of laws to expedite the transportation of crude oil, and for other purposes; with amendment (Rept. No. 96-214, Pt. I). Ordered to be printed.

Mr. THOMPSON: Committee on Education and Labor. H.R. 3915. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to postpone for 10 months the date on which the corporation must pay benefits under terminated multiemployer plans (Rept. No. 96-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 282. Resolution providing for the consideration of the bill, H.R. 2374, to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and for other purposes (Rept. No. 96-216). Referred to the House Calendar.

Mr. ZEFERETTI: Committee on Rules. House Resolution 283. Resolution providing for the consideration of the bill H.R. 2462, to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes (Rept. No. 96-217). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 284. Resolution providing for the consideration of the bill H.R. 3347, to authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal years 1980 and 1981 (Rept. No. 96-218). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 285. Resolution providing for the consideration of the bill (H.R. 3875) to amend and extend certain Federal laws relating to housing, community, and neighborhood development and preservation, and related programs, and for other purposes (Rept. No. 96-219). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 286. Resolution providing for the consideration of the bill H.R. 4034, to provide for continuation of authority to regulate exports, and for other purposes (Rept. No. 96-220). Referred to the House Calendar.

Mr. DODD: Committee on Rules. House Resolution 287. Resolution providing for the consideration of the bill (H.R. 4035) to authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel, and for other purposes (Rept. No. 96-221). Referred to the House Calendar.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. SATTERFIELD, Mr. PREYER, Mr. LUKEIN, Mr. WALGREN, Ms. MIKULSKI, Mr. GRAMM, Mr. SHELBY, Mr. MURPHY of New York, Mr. MADIGAN, Mr. STOCKMAN, Mr. LEE, Mr. DANNEMEYER, Mr. GOLDWATER, Mr. GLICKMAN, and Mr. LOEFFLER):

H.R. 4194. A bill to amend the Saccharin Study and Labeling Act to extend for 36 months the current ban on actions by the Secretary of Health, Education, and Welfare

respecting saccharin; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWEN (for himself, Mr. COELHO, and Mr. JONES of Tennessee):

H.R. 4195. A bill to amend section 103(f) of the Agricultural Act of 1949; and for other purposes; to the Committee on Agriculture.

By Mr. ANDREWS of North Dakota:

H.R. 4196. A bill to amend the National Environmental Policy Act of 1969 to provide for a statute of limitations with respect to judicial review of environmental impact statements to the Committee on Merchant Marine and Fisheries.

By Mr. BOLAND:

H.R. 4197. A bill to amend the Wool Labeling Act of 1939 with respect to recycled wool; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD:

H.R. 4198. A bill to amend title XVI of the Social Security Act with respect to the negotiability of supplemental security income checks, and for other purposes; to the Committee on Ways and Means.

H.R. 4199. A bill to amend title XVI of the Social Security Act to maintain for an additional 3 years the current program of services for disabled children receiving SSI benefits; to the Committee on Ways and Means.

By Mr. DORNAN:

H.R. 4200. A bill to provide that no Federal court may require the expenditure of Federal or State funds without prior legislative authorization; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 4201. A bill to amend the Internal Revenue Code of 1954 with respect to the exempt status of auxiliaries of certain fraternal beneficiary societies; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 4202. A bill to amend title 38, United States Code, to make the Commonwealth of Puerto Rico eligible for Federal assistance in the construction of State home facilities for veterans; to the Committee on Veterans' Affairs.

By Mr. ECKHARDT:

H.R. 4203. A bill to designate the Indian Mounds Wilderness, Sabine National Forest, State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. ERLBORN:

H.R. 4204. A bill to improve the safety of products manufactured and sold in interstate commerce, to reduce the number of deaths and injuries caused by such products, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 4205. A bill to amend the Internal Revenue Code of 1954 to allow a credit for amounts paid by blind, deaf, or speech-impaired individuals for use of toll telephone service by means of teletypewriters, and to allow such individuals a deduction for the purchase and installation of such teletypewriters; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 4206. A bill to amend the Elementary and Secondary Education Act of 1965, as amended, to provide that upon request a member of advisory councils established under that act may receive a copy of the law, and for other purposes; to the Committee on Education and Labor.

By Mr. GRASSLEY:

H.R. 4207. A bill to amend the Internal Revenue Code of 1954 to allow a credit for the purchase of electric motor highway vehicles; to the Committee on Ways and Means.

By Mr. MCCORMACK (for himself, Mr. LOWRY, and Mr. SWIFT):

H.R. 4208. A bill to amend section 5197 of the Revised Statutes to provide certain restrictions on the rate of interest which a national bank may charge a credit card customer of such bank who is not a resident or



the same State, Territory, or District in which such bank is located; to the Committee on Banking, Finance and Urban Affairs.

By Ms. M. KULSKI:

H.R. 4209. A bill to amend title 39, United States Code, relating to nonprofit neighborhood organizations mailing matters at third-class nonprofit rates; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Ohio:

H.R. 4210. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to clay surface mining operations; to the Committee on Education and Labor.

By Mr. MOAKLEY:

H.R. 4211. A bill to establish a national goal for the use of renewable energy resources, to establish information and financial initiatives to promote the use of renewable energy resources, and to authorize the use of certain renewable energy resources by the Federal Government; jointly, to the Committees on Banking, Finance and Urban Affairs, Government Operations, Interior and Insular Affairs, Interstate and Foreign Commerce, Public Works and Transportation, and Science and Technology.

By Mr. OTTINGER:

H.R. 4212. A bill to require States to participate in a system of regional Presidential primaries administered by the Federal Election Commission, and for other purposes; to the Committee on House Administration.

By Mr. PREYER (for himself, Mr. STAGGERS, Mr. WAXMAN, Mr. SCHEUER, Mr. FLORIO, Mr. MURPHY of New York, and Mr. FORSYTHE) (by request):

H.R. 4213. A bill to authorize a flexible environmental program of integrated financial assistance to States and local governments to plan, manage, and implement abatement and control strategies in a more efficient and effective manner; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Interstate and Foreign Commerce, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. ROE (for himself and Mr. HOWARD):

H.R. 4214. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ULLMAN (for himself, Mr. CONABLE, and Mr. GLICKMAN) (by request):

H.R. 4215. A bill to amend the Internal Revenue Code of 1954 to facilitate the production of alcohol fuels; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.J. Res. 340. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself, Mr. FLORIO, Mr. ABDNOR, Mr. FOLEY, Mr. MARLENEE, and Mr. WILLIAMS of Montana):

H.J. Res. 341. Joint resolution to require continuation of rail service by the Chicago, Milwaukee, St. Paul and Pacific Railroad for a period of 45 days; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFTTEL:

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress regarding enforcement of the provisions of the Voting Rights Act of 1965 relating to language minority groups; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Con. Res. 128. Concurrent resolution

expressing the sense of Congress that the Department of Energy must expedite its efforts to collect and verify energy information; to the Committee on Interstate and Foreign Commerce.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

200. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to funding for Hawaii's Crippled Children Services Program for the treatment and care of immigrant children; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEILENSEN:

H.R. 4216. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mr. JOHN L. BURTON:

H.R. 4217. A bill for the relief of Mrs. Salud Marquez; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4218. A bill for the relief of Samuel C. Willett; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 4219. A bill for the relief of Modesto Lopez Briones; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 4220. A bill for the relief of Deborah Ollie Bonner King; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 801: Mrs. SPELLMAN and Mr. MCCLORY.

H.R. 1128: Mr. TRAXLER.

H.R. 1202: Mr. GINGRICH.

H.R. 1745: Mr. GILMAN, Mr. NOWAK, Mr. ICHORD, Mr. CARTER, Mr. BROOMFIELD, Mr. STANTON, and Mr. CORCORAN.

H.R. 2172: Mr. STANGELAND.

H.R. 2441: Mr. PEPPER and Mr. CORCORAN.

H.R. 2472: Mrs. BOGGS, Mr. BREAUX, Mr. BRINKLEY, Mr. BROWN of California, Mr. BUCHANAN, Mr. BUTLER, Mr. CHAPPELL, Mr. DAN DANIEL, Mr. DELLUMS, Mr. DICKINSON, Mr. DIXON, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDWARDS of California, Mr. EVANS of the Virgin Islands, Mr. FAZIO, Mr. HILLIS, Mr. HUTTO, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEHMAN, Mr. LLOYD, Mr. LONG of Maryland, Mr. MILLER of California, Mr. MONTGOMERY, Mr. OTTINGER, Mr. PANETTA, Mr. PEPPER, Mr. RICHMOND, Mr. ROBINSON, Mr. RODINO, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mrs. SPELLMAN, Mr. SPENCE, Mr. STOKES, Mr. TRIBLE, Mr. WEISS, Mr. BOB WILSON, and Mr. WYATT.

H.R. 2792: Mr. MAGUIRE and Mr. BARNES.

H.R. 3105: Mr. DANIEL B. CRANE.

H.R. 3326: Mr. RAHALL.

H.R. 3463: Mr. MAGUIRE.

H.R. 3491: Mr. ALBOSTA, Mr. BEDELL, Mr. BENJAMIN, Mr. DAN DANIEL, Mr. DIXON, Mr. ERTTEL, Mr. FAZIO, Mr. GRAY, Mr. HUGHES, Mr. HYDE, Mr. LEE, Mr. MILLER of California, Mr. MINETA, Mr. SIMON, Mr. WHITEHURST, Mr. WHITTAKER, and Mr. CHARLES WILSON of Texas.

H.R. 3492: Mr. ALBOSTA, Mr. BEDELL, Mr. BENJAMIN, Mr. DAN DANIEL, Mr. DIXON, Mr.

ERTTEL, Mr. FAZIO, Mr. GRAY, Mr. HUGHES, Mr. HYDE, Mr. LEE, Mr. MILLER of California, Mr. MINETA, Mr. SIMON, Mr. WHITEHURST, Mr. WHITTAKER, and Mr. CHARLES WILSON of Texas.

H.R. 3541: Mr. MAGUIRE.

H.R. 3568: Mr. STANTON, Mr. HYDE, Mr. DORNAN, Mr. MAVROULES, Mr. WYATT, Mr. BADHAM, Mr. DUNCAN of Tennessee, and Mr. CARR.

H.R. 3884: Mr. ADDABBO, Mr. BONIOR of Michigan, Mr. BREAUX, Mr. BURGNER, Mr. CLAY, Mr. CLEVELAND, Mr. COELHO, Mr. CORRADA, Mr. DERWINSKI, Mr. DORNAN, Mr. EDWARDS of California, Mr. ERTTEL, Mr. HALL of Texas, Mr. HINSON, Mr. HOLLENBECK, Mr. JOHNSON of Colorado, Mr. JONES of North Carolina, Mr. KOGOVSEK, Mr. LAFALCE, Mr. MCCORMACK, Mr. MAZZOLI, Mr. MOTT, Mr. OTTINGER, Mr. PANETTA, Mr. PRICE, Mr. WEISS, Mr. WHITEHURST, Mr. WILLIAMS of Montana, and Mr. WINN.

H.R. 4027: Mr. BENNETT, Mr. COELHO, Mr. DORNAN, Mr. HUTTO, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. ROE, Mr. STANGELAND, Mr. WEISS, Mr. WOLFE, Mr. WON PAT, and Mr. NEAL.

H.J. Res. 248: Mr. REGULA.

H. Con. Res. 121: Mr. PEPPER, Mr. LEHMAN, Mr. STEWART, Mr. MAZZOLI, Mr. CORRADA, Mr. LAFALCE, Mr. SCHEUER, Mr. SIMON, Mr. ADDABBO, Mr. D'AMOURS, Mr. BEARD of Rhode Island, Mr. CORMAN, Mr. DORNAN, and Mr. FISH.

H. Res. 233: Mr. WINN, Mr. MONTGOMERY, Mr. WHITEHURST, Mr. FORSYTHE, and Mr. HYDE.

H. Res. 248: Mr. BEDELL, Mr. GILMAN, Mr. LEVITAS, Mr. MAGUIRE, and Mr. OTTINGER.

H. Res. 249: Mr. BEDELL, Mr. CLEVELAND, Mr. GILMAN, Mr. LEVITAS, Mr. MAGUIRE, and Mr. OTTINGER.

H. Res. 250: Mr. BEDELL, Mr. GILMAN, and Mr. MAGUIRE.

H. Res. 251: Mr. BEDELL and Mr. OTTINGER.

H. Res. 252: Mr. BEDELL, Mr. CLEVELAND, Mr. GILMAN, Mr. MAGUIRE, and Mr. OTTINGER.

H. Res. 253: Mr. CLEVELAND, Mr. GILMAN, and Mr. GRASSLEY.

H. Res. 254: Mr. BEDELL, Mr. CLEVELAND, Mr. GILMAN, Mr. LEVITAS, and Mr. OTTINGER.

H. Res. 255: Mr. CLEVELAND, Mr. GILMAN, and Mr. GRASSLEY.

H. Res. 256: Mr. CLEVELAND, Mr. GILMAN, Mr. GRASSLEY, and Mr. OTTINGER.

H. Res. 257: Mr. BEDELL, Mr. CLEVELAND, Mr. GILMAN, Mr. GRASSLEY, Mr. LEVITAS, and Mr. OTTINGER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3042: Mr. WINN.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123: By the SPEAKER. Petition of the Ohio Federation of Women's Clubs, Columbus, Ohio, relative to legislation; to the Committee on Government Operations.

124: Also, petition of the membership of the Homer Electric Association, Inc., Homer, Alaska, relative to development of the Bradley Lake hydroelectric generation facility; to the Committee on Interstate and Foreign Commerce.

125: Also, petition of the Lexington Forum on Aging, Lexington, Mass., relative to legislation; to the Committee on Interstate and Foreign Commerce.